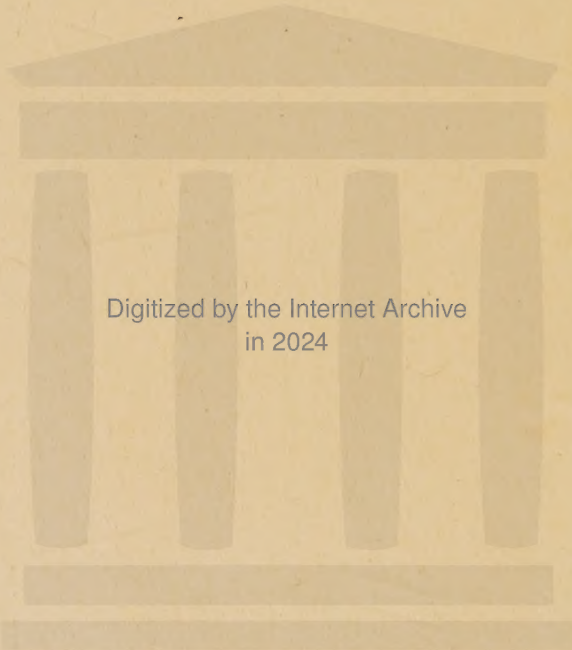


ENGLAND UNDER THE RESTORATION

1660 - 1688



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ENGLAND UNDER THE RESTORATION

(1660-1688)

BY

THORA G. STONE, M.A.

WITH A PREFACE BY

A. F. POLLARD, M.A., Litt.D., F.B.A.

FELLOW OF ALL SOULS, AND PROFESSOR OF ENGLISH HISTORY
IN THE UNIVERSITY OF LONDON

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PREFACE.

THE first three volumes in this series dealt with the last century and a half of the Middle Ages. The present volume, dealing with England under the Restoration, illustrates a modern period in which the interests of England have greatly expanded. Scotland and Ireland have become parts of the same monarchy which has also extended its sway into America and India, while at home the Reformation and the New Monarchy have provoked new problems of policy and administration. The increasing complexity of government is reflected in the growing bulk and variety of the sources from which the following extracts have had to be selected. Nor is it merely the activity of government which has to be illustrated; the intellectual interests of private individuals, their concern in public affairs, and their literary and political means of self-expression have expanded with equal rapidity. The New Learning had been at least as fruitful as the New Monarchy; and diaries like Pepys', memoirs like Reresby's, contemporary histories like Clarendon's and Burnet's, political satires like Dryden's, political tracts like Halifax', the Commons' Journals, and newspapers are as important and as novel materials for history as the hundreds of volumes of colonial state papers or the voluminous records of the African companies.

Miss Stone has only been able, within the limits at her disposal, to provide samples of these sources; but she has indicated their nature and extent in her preliminary "Notes," which are useful for other purposes besides that of indicating the difficulty of selection. They may enable teachers and others, who have the taste and the time, to follow in the direction these samples indicate; and even the candidate for examination, who proposes to pursue his or her historical education no farther, is all the better for a glimpse at the foundations upon which historical knowledge and historical education rest, and for a brief opportunity of realising that history is not a mere tale that is told out of the imagination or on the authority of the historian.

It is beyond the scope of this series to attempt the futile task of epitomizing the history of each period which a volume covers in a dozen pages of preface or introduction. Students will find that done, in its proper place and an ampler space, in a hundred odd pages of Dr. G. M. Trevelyan's brilliant volume on "England under the Stuarts" in Messrs. Methuen's series, and with more sober detail in three hundred pages of Sir Richard Lodge's volume in Messrs. Longmans' "Political History;" but both students and general readers will probably make the best use of these extracts by comparing them with the second and third chapters in Macaulay's "History of England." No such handy means have hitherto been provided for testing the truth of the charge that Macaulay as a historian was a Whig pamphleteer.

There is, however, one technical point in this volume which has not occurred previously in this series and needs some explanation for the student and general reader, if not for the teacher. On page 38 a correspondent refers to

having received a letter dated *stilo novo*, and the first extract here printed has the double date "4-14 April, 1660." What is this "new style" and why these double dates? The explanation lies in the reform of the Julian Calendar, promulgated by Pope Gregory XIII in 1582. According to the Julian Calendar every fourth year was reckoned as a leap year: this made the average year slightly too long, with the result that by 1582 the year was ten days behind solar time; and the Gregorian reform consisted in dropping out ten days in October, 1582, and thenceforth reckoning the last year of a century as a leap year only when the number of the century itself was divisible by four: thus, 1600 would be a leap year, 1700 would not, nor would 1800 or 1900. This papal reform was adopted almost at once in Roman Catholic countries, but only gradually by Protestant countries, and still more slowly by countries owing allegiance to the Greek Orthodox Church. England was the last of the Protestant countries to adopt it, in 1751-2, and Russia did not adopt the new style until after the Bolshevik revolution in 1917. There was thus ten days' difference between the dating of letters from 1582 to 1700; the difference was not increased in 1600 because that was a leap year according to both styles. But in 1700 the ten days were increased to eleven, and hence, after the adoption of the reform in England and the dropping out of eleven days in September, 1752, one of the cries at the general election of 1753 was "give us back our eleven days." The difference would have been increased to twelve days in 1800, and when the Bolsheviks reformed the Russian calendar in 1918 they had to drop out thirteen.

Another reform adopted in 1752 was to change the beginning of the year from 25 March to 1 January. When

Queen Elizabeth died on 24 March, and William III on 8 March, those dates were at the time reckoned as being in the old years 1602 and 1701 respectively; and it has been argued that we should still use those dates instead of ante-dating the 1752 reform of the calendar, and saying that Elizabeth died in 1603 and William III in 1702. In order to prevent confusion, it is now customary to give both years for dates between 31 December and 25 March, and to say that Elizabeth died on 24 March, 1602-3, and William III on 8 March, 1701-2, the earlier year being the old style and the later the new. To be strictly accurate, we should also alter the day of the month, and say that Elizabeth died on 24 March, 1602-3 April, 1603, and William III on 8-18 March, 1701-2. This plan has been generally adopted in this volume, and on page 39, for instance, the Treaty of Westminster is dated "9-19 Feb., 1673-4." The earlier date, both of the day and year, is the old style, and the later the new; thus, our first extract, the Declaration of Breda, was actually dated 4 April, but according to the new or reformed style it is dated 14 April.

A. F. POLLARD.

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NOTES ON THE SOURCES.

THE most important collection of official documents is that of the State Papers Domestic, which comprise 450 volumes for the reign of Charles II and 5 volumes for the reign of James II. These manuscripts are preserved at the Public Record Office, and are enumerated in "Lists and Indexes," No. 43; the manuscripts for Charles II's reign are calendared in 23 volumes. For the history of the entire period these documents afford the most comprehensive material, as they deal with religious, political, constitutional, social, and commercial affairs, and include letters to and from the king, the secretary of state, and other ministers. This miscellaneous collection of documents may be said to form the background for the records of individual departments of the government. The chief of these is the Privy Council register, volumes 54-72 (1660-88), which is preserved at the Public Record Office; its contents are indicated in a typewritten list to be found in the Literary Search Room. The council with its subordinate committees formed the centre of the administrative system, and, as its records show, it was employed by the king for the execution of law, the control of both trade and ecclesiastical affairs, and for the publication of his declarations and orders. The constitutional struggle of the period can be traced by means of these registers, if used in connexion with the "Statutes of the Realm." For example, the Privy Council register contains the Declaration of Indulgence of 1672, and the Statutes include the Test Act of the ensuing year, which reasserted the control of Parliament over ecclesiastical policy.

The "Statutes of the Realm," volumes 5 and 6, reveal the legislative work of the period. The acts quoted in this volume afford illustration of the predominant power of the king in 1660, of the increase in Parliamentary power (for example, by the

appropriation of supplies for the Dutch war) and of the consistently intolerant attitude of Parliament towards all Roman Catholics and Nonconformists. The journals of the House of Lords (volumes 11-14) and the journals of the House of Commons (volumes 8 and 9) include the preliminaries to the passing of bills, the articles of impeachment of such statesmen as Clarendon and Danby, the petitions of members and trading bodies, and, most important of all, the speeches of the king and the addresses of Parliament to his majesty. While these documents are official in the sense that the journals were compiled by the clerk of the parliaments acting under the supervision of a committee appointed by the house, the contemporary "Debates of the House of Commons, 1667-94," collected by Anchtel Grey, M.P. (published 1769), are only a private venture. They contain, however, an exceedingly valuable account of the discussions in the House of Commons, and were used as the basis of the "Parliamentary History," volume 4, edited by Cobbett (1809). The speeches of such members as Lord Russell, Sir William Coventry, William Sacheverell, and Colonel Birch prove that the Whigs were constructing a political programme in the years 1674-80, which they were ready to put into execution when the fear of civil war should pass.

Grey's "Debates" display the private member's interest in politics, which interest was shared by the leading men of the day. Vivid illustrations of political events are contained both in the writings of the great personages and in those of the less important party-pamphleteers and journalists. The Duke of York's ideal of monarchical absolutism and his reasoned hatred of Lord Shaftesbury are disclosed in his letters to the Prince of Orange, 1674-88. The letters covering the years 1674-78, 1684-88, may be found in State Papers Domestic, King William's Chest, Bundles III and IV (Manuscripts at the Public Record Office), those for 1678 and 1679 are calendared in Historical Manuscripts Commission Report XV, Appendix 5, Savile-Foljambe Manuscripts, and those for 1680-82 form part of M. Groen van Prinsterer's "Archives ou Correspondance inédite de la Maison d'Orange Nassau."

The Duke's impressions of current politics may be compared with those expressed in the memoirs and diaries of his contemporaries. Among these may be mentioned, "The Continuation" of Lord Clarendon's "Life" (written between 1667 and 1674, published 1759); Gilbert Burnet's "History of My Own Time" (ed. O. Airy, 1897); the memoirs of Sir William Temple in "Works" (published 1720); the memoirs of Sir John Reresby, M.P. (1750), and of James Wellwood, M.D. (1700); the diaries of Samuel Pepys (ed.: Wheatley, 1903), and of John Evelyn (1850). The letters to and from the Earl of Arlington (published 1710), the letters from Algernon Sidney to Henry Savile (published 1700), and the letters from Andrew Marvell, M.P., to his constituents in "Works" (published 1868), afford further illustration of domestic and foreign affairs. The political philosophy of the period and the ideals animating both king and statesmen have been brilliantly delineated by George Savile, Marquis of Halifax, in such essays as "The Character of a Trimmer" (1685), and "A Character of Charles II" (published 1750). The career of the Earl of Shaftesbury has been described in volume 10 of the Shaftesbury Papers (manuscripts deposited at the Public Record Office, 1871), which, although erroneous in detail, afford an exceedingly vivid account of Shaftesbury's life.

Political pamphlets, voicing the ideas of the Whig and Tory parties, defy enumeration, since between 1679 and 1684, when the Licensing Act was allowed to lapse, unlimited opportunity was given for the publication of pungent and satirical party tracts. This period saw the rise of newspapers as well as the increase of pamphlets and tracts. "The London Gazette," which dates its career from 1665, was until 1679 almost the only English newspaper, but after 1679 there appeared a large number of party organs, such as "The City Mercury," "The Observator," "The Protestant Intelligence," which have been enumerated in "The Times Hand-list of English and Welsh Newspapers," 1920.

Ecclesiastical history has been illustrated by extracts from repressive acts of parliament and royal Declarations of Indulgence, and from the writings of such persecuted Nonconformists

as George Fox (Journal, 1694) and Oliver Heywood ("Works," 1827). Typical letters contained in the State Papers Domestic have also been inserted, as they show the execution of the penal laws in many parts of England.

Diplomatic negotiations are fully displayed in the State Papers Foreign, in the Paris Transcripts, and in the memoirs of Sir William Temple. The State Papers Foreign comprise very many uncalendared manuscript volumes, enumerated in the P.R.O. "Lists and Indexes," No. 19. The letters and papers consist chiefly of correspondence from English ambassadors resident at foreign courts. The letters emanating from Versailles, 1660-88, comprise volumes 115-51, and should be used together with the Entry Books, volumes 176-80, which disclose the policy of the Foreign Committee of the English Privy Council between the years 1667 and 1678. Of far greater value are M. Baschet's transcripts of the letters written by French ambassadors resident at Whitehall, which may be found in the Baschet transcripts, bundles 106-77, 1660-88. Such astute diplomatic agents as Ruvigny, Colbert de Croissy, and Barillon wrote frequent letters to Louis XIV and Colbert describing their negotiations with Charles II, the bargains struck with him and his advisers, and commenting freely on court affairs and the king's relations with his ministers, his mistresses, his Parliaments and the Dutch ambassadors. The Baschet transcripts, the Parliamentary debates, and the State Papers Foreign, Holland, volumes 163-219, cover the period 1660 to 1688, and are especially important for the years immediately preceding the Dutch wars. For fuller understanding of the relations between England and Holland, the student must turn to the Memoirs of Sir William Temple, which include detailed accounts of the negotiations at Nimeguen, 1677-78.

Naval and colonial development and the reorganization of the fleet are illustrated by the Admiralty papers, Privy Council register, and Pepysian manuscripts. The "Sea Manuscripts," collected by Pepys, from which extracts have been inserted in this book, are contained in 114 volumes of the collection preserved at the Pepysian Library, Magdalene College, Cambridge. They

have been analysed by Dr. J. R. Tanner in his "Catalogue of the Library of Samuel Pepys, Bibliotheca Pepysiana, Part I.; Sea MSS.": 1914, and in his "Catalogue of the Pepysian MSS., Vol. I.; Navy Records Society." These documents were collected by Pepys while he was Clerk of the Acts and Secretary to the Admiralty, to form the material for a history of the navy. They deal with every department of naval administration, record the work of the Admiralty Commissioners in regard to ship-building, the erection of guns, the issue of rules about salutes, the improvements in naval discipline and the earliest retention of naval officers in time of peace. The defection of the fleet to William of Orange (1688) has been indicated by quotations from the manuscripts of the Earl of Dartmouth (Admiral and Chief Commander of the English Fleet), contained in Historical Manuscripts Commission, Report XV, Appendix I.

With regard to the commercial and colonial history of the period, the great collection of documents dealing with both the general administration and the individual history of each colony is contained in the State Papers Colonial, or Colonial Office Papers. These comprise many hundreds of manuscript volumes, enumerated in "Lists and Indexes," No. 36, some of which are calendared in six printed calendars. General matters are discussed in series 1, volumes 14-65, in series 389, volumes 1-11 (Board of Trade, Commercial, Entry Books of Commissions, Instructions, Petitions and Correspondence) and in series 391, volumes 1-6 (Minutes or Journal of the Council, later Board, of Trade). From the many volumes devoted to the individual parts of the Empire only very few have been illustrated in this book. Series 138 (Entry Book of Jamaica) shows the type of documents which emanated from the American colonies; series 134 and 135 indicate the history of the Hudson's Bay Company, and series 77 affords material for the history of the East India Company. The documents relating to West African trade are classified separately, and may be found among the Treasury Papers, of which group they form series 70. The records of the African Companies comprise minutes of committees, journals, ledgers, letter books, reports, and various miscellaneous lists

and volumes of accounts entered-up at the African House in London or at the various coastal factories.

Together with these records of English and overseas history may be mentioned the documents relating to Scotland and Ireland. Scottish history has been illustrated in this volume by extracts from the Privy Council register of Scotland and Acts of the Parliament of Scotland and from the writings of English administrators and Scottish Covenanters. Anglo-Irish relations are illustrated by quotations from Irish Statutes, English Statutes of the Realm, State Papers, Ireland (volumes 303-51), and from the writings of Sir William Petty. The Ormonde manuscripts (Historical Manuscripts Commission, Report XIV, Appendix, Part 7: 1906) form the most comprehensive material for the history of Anglo-Irish relations and of the work undertaken by the Duke of Ormonde during his lord-lieutenancy (1661-9, and 1677-84). The Clarendon correspondence (ed. Singer, 1828) affords a valuable source for the years 1685-7, when Henry Hyde, Earl of Clarendon, was lord-lieutenancy, and describes the attempt of James II to establish Roman Catholicism in Ireland.

No adequate illustration of the achievements of this age in science, art, literature, and philosophy, has been possible in this volume; the extracts in Book V are merely intended to suggest the many-sided activities of the period.

For the purpose of convenience, a list of the official sources is appended, while for excellent critical bibliographies of the unofficial sources the student is referred to Longmans' "Political History," Volume VIII, by Sir Richard Lodge, and to the lists of works appended to the Cambridge Modern History, Volume IX, "The Age of Louis XIV."

In conclusion, the editor offers sincere thanks to Dr. J. R. Tanner and to Mr. Morshead for their kindness in facilitating research into the Pepysian manuscripts. Much gratitude is also due to Dr. Caroline Skeel for help and counsel, and for the valuable time she has devoted to reading this work in manuscript and in proof, and to compiling the index.

OFFICIAL DOCUMENTS

(USED IN COMPILING THIS VOLUME).

I. MSS.

(a) Preserved at the Public Record Office.

State Papers, Domestic. (Lists and Indexes, No. 43.)

1660-85. 450 vols. ; 23 vols. of calendars.

1685-88. 5 vols. ; no calendars.

King William's Chest, Bundles III and IV ; Letters from
James to William of Orange. 1674-88.

State Papers, Foreign. (Lists and Indexes, No. 19.)

France. 1660-88. Letters and Papers. Vols. 115-51.

1669-89. Entry Books. Vols. 17-19.

Holland. 1660-88. Letters and Papers. Vols. 163-219.

1672-82. Entry Books. Vols. 64-8.

Journal of Committee of Foreign Affairs.

1667-78. Entry Books. Vols. 176-80.

State Papers, Colonial. (Lists and Indexes, No. 36.)

General Series. 1660-88. C.O. Series I. Vols. 14-65 ; 6
vols. of calendars.

East Indies. C.O. 77. Original Correspondence.

Hudson's Bay. C.O. 134. Original Correspondence.
Board of Trade.

Hudson's Bay. C.O. 135. Entry Books.

Jamaica. C.O. 138. Entry Books.

Board of Trade. C.O. 389. Entry Books.

„ C.O. 391. Journals and Minutes.

State Papers, Ireland. (Lists and Indexes, No. 43.)

1660-88. Vols. 303-51 ; 4 vols. of calendars.

Privy Council Register.

1660-88. Vols. 54-72.

Papers of the African Companies.

Treasury Records. Series 70.

Baschet Papers. Paris Transcripts.

1660-88. Vols. 106-77.

(b) Preserved at Magdalene College, Cambridge.

Pepysian Manuscripts.

Volume 1490. Diary relating to the Commission constituted by James II for the Recovery of the Navy, 1686.

Volume 2866. Diary relating to Naval Minutes.

„ 2867. „ „ „ „ „ „ Precedents.

„ 2873, 2874, 2877, 2879. Miscellaneous Documents.

II. PRINTED.

Statutes of the Realm.

1660-88. Vols. 5 and 6.

Acts of the Parliament of Scotland.

1660-88. Vols. 7 and 8.

Privy Council Register, Scotland.

1660-84. 3rd Series. Vols. 1-8.

Journals of the House of Lords.

1660-88. Vols. 11-14.

Journals of the House of Commons.

1660-88. Vols. 8 and 9.

Journals of the House of Lords, Ireland.

1660-6. Vol. 1.

Journals of the House of Commons, Ireland.

1660-6. Vol. 1.

TRANSLATIONS.

All extracts in this volume have been transcribed from English sources, except those taken from the Baschet transcripts and from Mignet's "*Négociations relatives à la succession d'Espagne*" (1835-42), which have been translated from the French by the editor.

ABBREVIATIONS USED IN THE REFERENCES.

A.P.S.	= Acts of the Parliament of Scotland.
B.M.	= British Museum.
C.J.	= Journals of the House of Commons.
C.O.	= Colonial Office Papers.
D.N.B.	= Dictionary of National Biography.
H.M.C.R.	= Historical Manuscripts Commission Reports.
L.J.	= Journals of the House of Lords.
P.C.R.	= Privy Council Register.
Pepysian MSS.	= Manuscripts in the Pepysian Library at Magdalene College, Cambridge.
P.R.O.	= Public Record Office.
S.P.D.	= State Papers, Domestic.
S.P.Col.	= State Papers, Colonial.
S.P.F.	= State Papers, Foreign.
S.P.I.	= State Papers, Ireland.
S.R.	= Statutes of the Realm.
S.T.	= State Trials.
T.70	= Treasury Papers. Series 70. Papers of the African Companies.
K. William's Chest	= Manuscript Letters from James II to William of Orange, 1674-88.

BOOK I. POLITICAL HISTORY.

1.

[The Declaration of Breda, 4-14 April, 1660. C.J., ix. 4.]

Charles by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, etc. To all our loving Subjects, of what Degree or Quality soever, Greeting. If the general distraction and confusion which is spread over the whole kingdom doth not awaken men to a desire that wounds . . . may be bound up, all we can say will be to no Purpose. . . . We make it our daily suit to the Divine Providence that He will . . . put us into a quiet and peaceable Possession of that our Right with as little Blood and Damage to our People as is possible. . . . And to the end that Fear of Punishment may not engage any . . . to a Perseverance in Guilt for the future, by opposing the Quiet and Happiness of their Country in the Restauration, both of King, Peers and People to their just, antient and fundamental Rights, we do, by these Presents, declare that We do grant a Free and General Pardon, which we are ready upon demand, to pass under our Great Seal of England, to all our Subjects of what degree or quality soever, who within forty days after the publishing hereof, shall lay hold upon this Our Grace and Favour . . . excepting only such persons as shall hereafter be excepted by Parliament. . . . No crime whatsoever, committed against us, or Our Royal Father, before the publication of this shall ever rise in Judgment, or be brought in Question

against any of them to the least Endamagement of them either in their lives, liberties or estates. . . .

And because the Passion and Uncharitableness of the times have produced several Opinions in Religion, by which Men are engaged in Parties and Animositities against each other. . . . We do declare a Liberty of Tender Consciences, and that no man shall be disquieted or called in question for Differences of Opinion in Matters of Religion, which do not disturb the peace of this Kingdom, And that we shall be ready to consent to such an Act of Parliament as, upon Mature Deliberation, shall be offered to us, for the full granting of that Indulgence. . . . And We do further declare, That we shall be ready to consent to any Acts of Parliament to the Purposes aforesaid, and to the full Satisfaction of all Arrears due to the Officers and Soldiers of the Army under the Comand of General Monk; and that they shall be received into Our Service upon as good pay and Conditions as they now enjoy.

2.

[The universal delight of the nation at the Restoration is here described by Lord Clarendon. Clarendon, "Continuation of Life," p. 7 (1759).]

Upon the 29th of May, which was his Majesty's Birthday, and now again the day of his restoration and triumph, he entered London; the highway from Rochester to Blackheath being on both sides so full of acclamations of joy and crowded with such a Multitude of people, that it seemed one continuous street wonderfully inhabited. Upon Blackheath, the army was drawn up consisting of above fifty thousand men, horse and foot, in excellent order and equipage, where the General¹ presented the

¹ Monk.

chief officers to kiss the king's hands; which grace they seemed to receive with all humility and cheerfulness. Shortly after, the Lord Mayor of London, the sheriffs and body of aldermen, with the whole militia of the city appeared with great lustre, whom the king received with a most graceful and obliging countenance, and knighted the mayor, and all the aldermen and sheriffs, and the principal officers of the Militia; an honour the city had been without near eighteen years, and therefore abundantly welcome to the husbands and their wives. With that equipage, the king was attended through the city of London, where the streets were railed in on both sides, that the livery of all the companies might appear with the more order and decency till he came to the Guildhall. . . . The king was no sooner at Whitehall but the . . . Speakers of both Houses of Parliament presented themselves, with all possible professions of duty and obedience at his royal feet, and were ravished with the cheerful reception they had from him. The joy was universal; and whosoever was not pleased at heart, took the more care to appear as if he was, and no voice was heard but of the highest congratulation, of extolling the person of the king, admiring his condescensions and affability, raising his praises to heaven, cursing and detesting the memory of those villains who had so long excluded so meritorious a prince and thereby withheld that happiness from them, which they should enjoy in the largest measure they could desire or wish.

3.

[Charles II's admiration for Louis XIV and Clarendon's complete domination over his sovereign may be regarded as the keynote of English politics, 1660-1667. Gilbert Burnet, "History of My Own Time," ed. O. Airy, 1897, i. 166.]

The king was then [1660] thirty years of age and . . . past the levities of youth and the extravagance of pleasure.

He had a very good understanding : he knew well the state of affairs both at home and abroad. He had made such observations on the French Government that he thought a king who might be checked or have his ministers called into account by a parliament was but a king in name. . . . He did so entirely trust the earl of Clarendon, that he left all to his care and submitted to his advices as to so many oracles. The earl of Clarendon . . . was now an absolute favourite and the chief or the only minister, but with too magisterial a way. He was always pressing the king to mind his affairs but in vain. . . . He never seemed to understand foreign affairs and yet he meddled too much in them.

4.

[The Speaker's speech to the king on presenting the Bill of Indemnity.
"Parl. Hist.," iv. 113.]

There is another Bill, entituled 'An Act of free and General Pardon, Indemnity and Oblivion.' It may well be called a free Pardon, for your Majesty was pleased to offer it before we had confidence to ask it . . . and it may justly be called a General Pardon, in respect of the extensiveness of it. But looking over a long black prodigious dismall roll and catalogue of malefactors, we then meet not with men but monsters guilty of blood, precious blood, precious royal blood, . . . incomparable in all the kinds of villainy that ever was acted by the worst of miscreants, perverters of religion, subverters of government, false to God, disloyal to the best of kings and perfidious to their country, therefore we found an absolute and indispensable necessity incumbent upon us, to except . . . some for treacle,¹ to expel the poison of sin and rebellion out of

¹ antidote.

others, and that they might be made sacrifices to appease God's wrath and satisfy divine justice.

5.

[The Disbanding of the Army. By Act of Parliament, 12 Car. II, c. 15, the Army was to be disbanded, and commissioners were appointed to carry out the work "with all convenient speede." See Fortescue, "History of the British Army," vol. i. (a) P.C.R., liv. 166.]

17 Sep. 1660.

His Matie was graciously pleased to declare That upon the disbanding of the Army that he will give a week's pay to all officers and souldiers both of Horse and Foote under the quality of commission officers, the care of providing money for the same being referred to the Right Honble the Lord Treas^r.

[*Ibid.*, p. 180.]

28 Sept. 1660.

Whereas for the better convenience of disposing the paying off and disbanding the Army, it is requisite that the Committee appointed by Act of Parliament to doe the seeing should have some fitt room to meete in for the dispatch thereof, it was thereupon ordered by his Matie in Councill that the said Committee should have the use of the room at Westminster called the Star Chamber.

[(b) Cal. S.P.D., 1660-1, p. 299.]

Major Thomas White—prisoner in the Gatehouse—*Petitions* for an order to the Commissioners for Disbanding the Army to pay him £164, arrears due, having on account of his imprisonment, no other way to obtain it and thus to satisfy his poor creditors. It is a proviso in the Act for disbanding, that all officers who marched out of Scotland with the Duke of Albemarle, should be paid

the sums borrowed of the country to prevent free quarter, but his regiment was disbanded whilst the Commissioners were sitting on other business. Has paid most of the sums owed, but cannot pay the rest till he have his liberty.

[(c) "Pepys' Diary," ed. Wheatley, 1903, i. 252, 1 October, 1660.]

The Commissioners are very busy disbanding of the Army which they say do cause great robbing.

[*Ibid.*, ii. 176, 22 January, 1661-2.]

He ["Mr. George Montagu"] told me . . . the great jealousys that are now in the Parliament House. The Lord Chancellor, it seems, taking occasion from this late plot¹ to raise fears in the people did project the raising of an army forthwith, besides the constant militia, thinking to make the Duke of York General thereof. But the House did, in very open terms, say, they were grown too wise to be fooled again into another army; and said they had found how that man that hath the command of an army is not beholden to anybody to make him king.

6.

[Negotiations for the marriage alliance with Portugal. Sir Richard Fanshawe was appointed Ambassador in Portugal on 10 August, 1661. "Lady Fanshawe's Memoirs," 1676, p. 145.]

Now it was the business of the Chancellor to put your Father [Sir Richard Fanshawe] as far from the King as he could, because his ignorance in state affairs was daily discovered by your father, who showed it to the King; but at that time the King was so content that he should alone manage his affairs that he might have more time for pleasure, that his faults were not so visible as otherwise they would have been and afterwards proved. But now

¹ Venner's Plot.

he sends to your father, and tells him that he was by the King's particular choice resolved on to be sent to Lisbon with the King's letter and picture to the Princess, now our Queen. . . .

At the latter end of Christmas my husband returned from Lisbon, and was very well received by the King. . . .

As soon as the King had notice of the Queen's landing, he immediately sent my husband that night to welcome her Majesty on shore, and followed himself the next day; and upon the 21st of May the King married the Queen at Portsmouth, in the presence chamber of his Majesty's house. There was a rail across the upper part of the room in which entered only the King and Queen, the Bishop of London, the Marquess Desande, the Portuguese ambassador, and my husband; in the other part of the room there were many of the nobility and servants to their Majesties.

7.

[Articles of Marriage between His Majesty and the Lady Infanta of Portugal, 23 June, 1661. Chalmers' "Collection of Treaties," 1790, ii. 286.]

It being upon mature deliberation mutually and fully agreed between their Majesties, Charles by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, etc., and Alphonso by the same Grace of God, King of Portugal and Algarve, etc., that the King of Great Britain shall, with all possible speed as such an affair can be transacted in, marry and take to wife the most Excellent Princess Doña Catherina Infanta of Portugal. . . .

II. The King of Portugal . . . doth give . . . unto the King of Great Britain, his heirs and successors for ever, the city and castle of Tangier,¹ with all its rights,

¹ See Corbett, "England in the Mediterranean" (1904), vol. ii. ch. xix.

territories, profits and appurtenances whatsoever, and also as well the profits and revenue, as the direct, full and absolute dominion and sovereignty of the same city and castle and territories aforesaid, with their royalties, freely, fully, entirely and absolutely. . . .

V. The King of Portugal doth promise and oblige himself by these presents, to give unto the King of Great Britain for a portion or dowry with the said Lady Infanta his sister, two millions, i.e. 2,000,000 of crowns Portuguese ; and that one moiety thereof shall be really put on board the said fleet before the Infanta herself embarks, . . . and for the other moiety of the said portion amounting to one million, i.e. 1,000,000 of crowns Portuguese, the King of Portugal doth oblige himself to pay the same within the space of one year after the arrival of the Infanta in England. . . .

VI. That from the time that the Lady Infanta is embarked on His Majesty's fleet, she and her whole train shall be transported upon the account and at the sole charge of his Majesty of Great Britain. . . .

VIII. That the King of Great Britain shall, within one year of the arrival of her Majesty in England settle upon her a jointure of £30,000 of English money by the year. . . .

XI. That for the better improvement of the English trade and interest in the East Indies and that the King of Great Britain may be better enabled to assist, defend and protect the subjects of the King of Portugal, in those parts from the power and invasion of the States of the United Provinces, the King of Portugal with the advice and consent of his Council, doth give transfer and by these presents grant and confirm unto the King of Great Britain, his heirs and successors, for ever, the port and island of Bombaim in the East Indies, with all the rights, profits, territories and appurtenances whatsoever thereunto belonging, and

as well the profits and revenue as the direct full and absolute dominion and sovereignty of the said port, island and premisses, with all the royalties thereof freely fully entirely and absolutely.

8.

[General observations of Pepys, 30 June, 1662. "Pepys' Diary," ii. 271.]

This I take to be as bad a juncture as ever I observed. The King and his new Queen minding their pleasures at Hampton Court. All people discontented; some that the king do not gratify them enough and the others, Fanatics of all sorts, that the king do take away their liberty of conscience; and the height of the Bishops, who I fear will ruin all again. They do much cry up the manner of Sir H. Vane's death, and he deserves it.

9.

[The Sale of Dunkirk. See Combe, E., "The Sale of Dunkirk" (1728). Clarendon, "Continuation of Life," p. 201.]

At or about this time [1662] there was a transaction of great importance which at the time was not popular nor indeed understood, and afterwards was objected against the Chancellor in his misfortunes, as a principal argument of his infidelity and corruption, which was the Sale of Dunkirk. . . . The charge . . . the crown was at, the pay of the land forces and garrisons, the great fleets sent out to sea . . . the charge of the garrison at Dunkirk, of that at Tangier, and the vast expense of building a mole there . . . and the lord treasurer's frequent representation of all this to the king, as so prodigious an expense as could never be supported, had put his majesty to frequent consultations how he might lessen . . . any part of it. The lord treasurer had many secret conferences with the general and the best seamen of . . . the keeping of Dunkirk . . .

and he found by them that it was a place of little importance. . . . He found him [the Chancellor] so averse from it that he resolved to speak with him no more till the king had taken some resolution. After several debates the king thought it so counsellable a thing that he resolved to have it debated before that committee which he trusted in his most secret affairs. [The committee met at Clarendon's house; it consisted of the King, Duke of York, the Lord Treasurer, Monck, Sandwich, the Vice-Chamberlain, Sir G. Carteret, and the two Secretaries, Nicholas and Morice.] And so the debate was entered into after this method . . .

1. That the profit which did or could accrue to the kingdom by the keeping of Dunkirk was very inconsiderable, whether in war or peace.

2. That the charge of . . . maintaining it . . . did amount unto above £120,000 for the year, which was a sum the revenues of the Crown could not supply without leaving many other particulars of much more importance unprovided for. . . .

3. . . . If Dunkirk was kept his Majesty would be shortly involved in a war with one of the two Crowns.

Upon these reasons . . . the king resolved to ease himself of the unsupportable burden of maintaining Dunkirk.

[(b) P.C.R., lvii. 176, 17 October, 1662.]

The businesse of Dunquerke haveing been lately debated in Close Counsell His Matie did this day publicly declare in Counsell that we had agreed with the French king (by his Minister, Monsieur d'Estrade) for the delivery of the Towne of Dunquerke unto him, upon the payment of Five Millions of Livers Turnois [£200,000] for it, and that the Treaty was ready to be signed unlesse their Lorps had any reasons to be offered to the contrary. Whereupon their Lorps upon full debate approving of the said Agree-

ment, His Matie then ordered, That the Lord Chancellor, the Lord Treasurer, the Duke of Albemarle and the Earle of Sandwich do forthwith meet at the Lord Treasurer's House with Monsieur d'Estrade, to signe the Treaty for delivering of the said Towne of Dunquerque to the French king for the said sum of Five Millions of Livers Turnois.

10.

[Anglo-Dutch Hostilities. After the incorporation of the Company of Royal Adventurers of England trading into Africa, disputes arose on the West African Coast between members of the Dutch West India Company, who had regarded themselves as sole proprietors of the slave trade from Cape Blanco to Angola, and the newly arrived merchants from England. In January, 1663-4, Captain Robert Holmes captured Goree from the Dutch, in obedience to instructions received from the king, and Downing, English resident at the Hague, greatly increased the hostility between the two nations by upholding Holmes' action. Letter from Downing, 1664. S.P.F. Holland, vol. 171, p. 93.]

I replied [to de Witt] yt what was done was done by the English African Company only and not by his Majesty, who though he might lend or give a ship or two, yet had no hand in the employing or directing of them. It is no wonder if desperation has inforced the English to attempt punishing for themselves seeing that the West India Company hath ever since his maty's return play'd the very devil, having taken about twenty English ships and hindered others of their trade, and at last to compleat all put out a declaration clayming to themselves the whole coast.

11.

[The Declaration of War, 22 February, 1664-5. S.P.F. Holland, vol. 175, p. 276.]

Whereas upon complaint of the Severall Injuyes affronts and spoiles done by the East and West Indya

Companys and other the Subjects of the United Provinces, unto and upon the shippes, goodes, and persons of Our Subjects to their greivous damages and amounting to vast sumes, Instead of reparation and satysfaction, wch hath been by us frequently demanded, wee found that orders¹ had been given to de Ruyter not only to abandon the consortship against the Pyrats of the Mediterranean Seas, to w^{ch} the States Generall had invited us, but also to use all arts of depredation and hostility against our subjects in Africa, wee therefore gave orders for the deteyning of the shippes belonging to the States of the United Provinces, their subjects and inhabitants; yet notwithstanding wee did not give any commission for Letters of Marque nor were there any proceedings against the shippes deseyned untill wee had a cleare and undeniable evidence that de Ruyter had putt the said orders in execution by seizing severall of our subjects shippes, and goods. . . . Wee have thought fitt by and with the advice of our Privy Councill to declare and do hereby declare to all the world that the said States are the aggressors and that they ought in Justice to be so lookt upon by all men.² So that as well our fleets and shippes as also all other shippes . . . that shall be commissioned by Letters of Marque from Our Deare Brother the Duke of Yorke, Lord High Admiral of England shall and may lawfully fight with subdue seize and take all shippes vessels and goods belonging to the said States of the United Provinces or any of their Subjects or Inhabitants.

¹ Brandt, "Vie de Ruyter," p. 212, prints the order from the States General to de Ruyter, directing him to leave Admiral Lawson in the Mediterranean and attack Goree and other places recently captured by the English.

² This is inserted because France had agreed to help the States General in any war so long as they were not the aggressors (Treaty, April, 1662).

12.

[The decline of Lord Clarendon's power was very much hastened after 1663, when he was attacked in the House of Lords by Lord Bristol and in the House of Commons by Bennet, who had become Secretary of State, 1662, and leader of an opposition party to the Chancellor. Burnet, i. 444.]

The Dutch war had turned so fatally on the king that it made it necessary for him to try how to recover the affection and esteem of his people. He found a slackening of the Execution of the law went a great way in the city of London and with the trading part of the nation. . . . The Earl of Clarendon found his credit was declining, that all the secrets of state were trusted to Bennet and that he had no other share in them than his post required. The Lady Castlemaine set herself most violently against him; and the Duke of Buckingham, as oft as he was admitted to any familiarities with the king, studied with all his wit and humour to make Lord Clarendon and all his counsels appear ridiculous and lively jests were at all times apt to take with the king.

13.

[The Dutch War. "Pepys' Diary," pp. 423, 429.]

1665, June 2nd.

Met an express from Sir W. Batten at Harwich, that the fleet is all sailed from Solebay, having spied the Dutch fleet at sea, and that if the calms hinder not they must now needs be engaged with them.

June 8th.

I to my Lord Treasurer's . . . where I met with the great news . . . that we have totally routed the Dutch, and that the Duke himself, the Prince, my Lord Sandwich and Mr Coventry are all well. . . . With great joy to the Cock-pit, where the Duke of Albemarle, like a man out of himself with content new-told me all. . . . A greater victory

never known to the world. They are all fled; some 43 got into the Texel, and others elsewhere and we in pursuit of the rest. Thence . . . to my Lady Pen's, where they are all joyed and not a little puffed up at the good success of their father, and good service indeed is said to have been done by him.

14.

[The Plague. "Loimologia, or an Historicall Account of the Plague in London, in 1665," by Nathaniel Hodges, M.D. (ed. 1720).]

The Plague . . . discovered the beginnings of its future cruelties about the close of the year 1664, in the city of London. . . . As soon as the magistracy to whom belonged the publick care, saw how the contagion daily increased, and had now extended itself to several Parishes, an Order was immediately issued out to shut up all infected houses, that neither Relations nor Acquaintance might unwarily receive it from them, and to keep the infected from carrying it about with them. . . . A Law was made for marking the Houses of Infected Persons with a Red cross, having with it this inscription, "*The Lord have mercy upon Us,*" and that a guard should there continually attend, both to hand to the sick the necessaries of food and medicine and to restrain them from coming abroad till forty days after their recovery. . . . This shutting up infected houses made the Neighbours fly from theirs, who might have been a help to them on many accounts; and I verily believe that many who were lost might now have been alive, had not the tragical mark upon their Door drove proper assistance from them. . . . It must not, however, be omitted, with what precipitation the trembling Inhabitants left the city, and how they flocked in such Crowds out of Town, as if London had quite gone out of itself, like the hurry of a sudden conflagration, all doors and passages are thronged for escape. [Description of the attempts made by the

Government and by voluntary workers to stop the devastation by instituting public prayers and by rendering medical assistance.] After all endeavours to restrain the contagion proved of no effect, we applied ourselves altogether to the care of Diseased. . . . But it is incredible to think how the Plague raged among the Common People, in so much that it came by some to be called the Poors Plague. . . . At the Beginning of September, the Disease was at the Height; in the course of which month more than 12,000 died in a week, . . . nor in this Account are we to neglect that the contagion spread to the neighbouring Counties . . . where it raged with equal fury. . . . About the beginning of November, People grew more healthful and such a different Face was put upon the Publick, that although the Funerals were yet frequent, yet many who had made most Hast in retiring, made the most to return, and came into the City without Fear; insomuch that in December they crowded back as thick as they fled . . . and the shops which had been most Part of the year shut up, were again opened, and the People cheerfully went about their wonted affairs of trade and employ.

15.

[The Fire of London. "The Fire" forms the subject of an exceedingly large number of pamphlets, poems, satires, and other literary productions of every type (cf. W. G. Bell, "The Great Fire," 1920). The first of the following extracts is the best-known and the most vivid description, while the second gives the official arrangements made for the housing of people and clearing of the city. (a) "Evelyn's Diary" (ed. 1850), ii. 9-11.]

1666. September 2nd.

This fatal night about 10 began the deplorable fire near Fish Street, London.

September 3rd.

. . . The fire having continued all night (if I may call

that night which was light as day for ten miles round about . . .) when conspiring with a fierce Eastern wind in a very dry season, I went on foot to the same place [Southwark] and saw the Whole South-part of the City burning from Cheapside to the Thames and all along Cornhill (for it likewise kindled back against the wind as well as forward) Tower St., Fenchurch Street, Gracious¹ Street . . . and now taking hold of St. Paul's Church, to which the scaffolds contributed exceedingly. The conflagration was so universal and the people so astonished . . . that they hardly stirred to quench it; so that there was nothing heard or seen but crying out [and] running about like distracted creatures. . . . So it burned the . . . churches, public-halls, Exchange, hospitals. . . . We saw the Thames covered with goods floating, all the barges and boats laden with what some had had time and courage to save, as, on the other side, the carts etc. carrying out to the fields which for many miles were strewn with moveables of all sorts, and tents erecting to shelter both people and what goods they could get away. . . . All the sky was of a fiery aspect, like the top of a burning oven, and the light seen above forty miles round about for many nights. . . . The clouds also of smoke were dismal, and reached upon computation near fifty miles in length. . . . London was, and is no more.

[(b) "A Lre to the Lord Mayor of London etc.," 6 September, 1666.
P.C.R., lix. 144.]

Whereas we are informed that the water-engines belonging to this city, with the Bucketts and Fire-Hooks used in pulling down Houses and sundry other materials Employed in the late rageing Fire, lye scattered up and downe, and no care be taken of gathering them together . . . wee hereby pray and require yo^r Lordsp and the severall

¹ Gracechurch.

Aldermen of the city of London in their respective wards to take care that the said Engines and hooks may be forthwith gathered together and that such as are broken may be speedily repayred and all the Bucketts and all the other materialls Toolles and Implements soe disposed of that they may be p'served for Use as occasion shall require. And further y^r Lordsp is required to cause the passage over London Bridge to be cleared and the open places to be Rayled for the more secure passage of Horses, Carts etc., bringing provisions to this City. . . . It was this day ordered, That the Churchwardens, Overseers of the Poor and Constables of such parishes and places as are remayning and not destroy'd by the Fire, be, and hereby they are required to take care of such persons as are exposed to lye in the fields and such as need present reliefe that they may be lodged in houses within their severall parishes and limitts.

16.

[The Dutch fleet in the Thames. "Pepys' Diary," vii. 34 *et seq.*]

July 1667.

23rd. Comes sudden news to me by letter from the Clerk of the Cheque at Gravesend, that there were thirty sail of Dutch men-of-war coming up into the Hope this tide, which I told Sir W. Pen of; but he would not believe it but laughed,

24th. Betimes this morning comes a letter from the Clerk of the Cheque at Gravesend . . . to tell me that the Dutch fleet did come all into the Hope yesterday noon and held a fight with our ships from thence till seven at night; that they had burned twelve fire ships and we took one of theirs and burned five of our fire ships. . . . About five o'clock down to Gravesend . . . and as we [Pepys and Sir William Batten] come nearer to Gravesend we hear

the Dutch fleet and ours afiring their guns most distinctly and loud. . . .

26th. No news at all this day what we have done to the enemy, but that the enemy is fallen down and we after them, but to little purpose.

27th. . . This morning news is come that Sir Jos. Jordan is come from Harwich with sixteen fire-ships and four other little ships of war, and did attempt to do some execution upon the enemy, but did it without discretion . . . so as they have lost four of their fireships. . . . At the office all the morning; and at noon to the 'Change, where I met Penn and he tells me that Sir John Coventry do bring the confirmation of the peace, but I do not find the 'Change at all glad of it, but rather the worse, they looking upon it as a peace made only to preserve the king for a time in his lusts and ease, and to sacrifice trade and his kingdoms only to his pleasures, so that the hearts of merchants are quite down.

17.

[Treaty with Spain, 13-23 May, 1667. The Earl of Sandwich had been despatched to Madrid, to conclude an Anglo-Spanish Treaty and oblige Spain to recognize the independence of Portugal. He had accomplished his two-fold mission with the greater ease, as early in May, 1667, Louis XIV had proclaimed his title to the Spanish Netherlands, and thus had caused Spain to incline towards the English alliance. See F. R. Harris, "Life of Edward Montagu, 1st Earl of Sandwich," vol. ii. ch. 10, 11. Chalmers, ii. 5.]

First it is agreed and concluded that from this day forward there shall be between the two crowns of Great Britain and Spain a general, good, sincere, true, firm and perfect amity, confederation and peace, which shall endure for ever . . . and that their subjects . . . shall shew to one another all manner of love, good offices and friendship.

VIII. That the subjects . . . of the most serene king of Great Britain may bring and carry to all and singular the

dominions of the king of Spain any fruits and commodities of the East Indies, it appearing by testimony of the deputies of the East India Company in London, that they are of, or have come from the English conquests, plantations or factories with like privilege and according to what is allowed to the subjects of the united Provinces.

IX. That the subjects of the king of Great Britain trading . . . in any of the . . . territories of the king of Spain shall have . . . all the privileges which the king of Spain hath granted to the English merchants . . . in Andalusia [in 1645].

18.

[The Treaty of Breda. Chalmers, i. 133.]

Articles of Peace and Alliance between the Most Serene and Mighty Prince Charles II by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith etc. and the High and Mighty Lords the States General of the United Netherlands concluded the 21-31 day of July 1667.

I. That from this day there be a true, firm and inviolable peace, sincere friendship, a nearer and straiter alliance and union between the Most Serene King of Great Britain and the High and Mighty States General of the United Provinces of the Netherlands and the lands, countries and cities under the obedience of both parties wheresoever situate, and their subjects and inhabitants, of whatever degree soever they be.

II. Also that for the time to come, all enmities hostilities discords, and wars between the said Lord the King and the foresaid Lords the States General, and their Subjects and inhabitants cease and be abolished. . . .

III. Also that all offences, injuries, damages and losses which his said Majesty and his subjects, or the foresaid States General and their subjects, have on either side

sustained during this war, or at any time whatsoever heretofore, upon what cause or pretence soever, be buried in oblivion, and totally expunged out of remembrance as if no such things had ever past. Furthermore that the foresaid peace, friendship and alliance may stand upon firm and unshaken foundations, and that from this very day all occasions of new dissension and difference may be cut off, it is further agreed, that both the parties, and either of them, shall keep and possess hereafter with plenary right of Sovereignty, propriety and possession, all such lands, islands, cities, forts, places and colonies (how many soever) as during this war, or in any former times before this war they have by force of arms, or any other way, whatsoever, gotten and detained from the other party, and that, altogether after the same manner as they had gotten and did possess them the 10-20 day of May last past, none of the same places being excepted.

19.

[Ministers in power in 1667. Sir John Reresby, M.P., "Memoirs," pp. 75-6 (ed. 1875).]

My Lord Southampton, Lord High Treasurer of England being lately dead, the said office was put into the hands of four commissioners—the Duke of Albemarle, my Lord Ashley (afterwards Earl of Shaftesbury) Sir William Coventry (who was secretary to the Duke of York) and Sir John Duncombe. The Parliament having sat from the 29th of July, amongst other things fell upon the favourite, the Earl of Clarendon, Lord Chancellor and father-in-law of the Duke of York; and as an impeachment was preparing against him, the King took from him the great seal and gave it to Sir Orlando Bridgman as Lord Keeper. Some months after, my Lord Clarendon, fearing the pursuit of his adversaries in and out of Parlia-

ment, thought fit to retire secretly into France, where he died some years after. The greatest enemy that this Earl had in the House of Lords was the Duke of Buckingham, and Sir Thomas Osborne, since Earl of Danby, in the House of Commons; which was the first step to Sir Thomas's future rise, by the help of the Duke of Buckingham, who was now perfectly restored to the King's favour and acted as Principal Minister of State. The King consulted him chiefly in all matters of moment; the foreign ministers applied themselves to him before they were admitted to have audience of the King; but he was so unfit for the character by reason of his giving himself up to his pleasures that (turning the night into day and the day into night) he neglected both his attendance upon the King, the receiving of ministers, and other persons that waited to speak to him and indeed all sort of business, so that he lasted not long.

20.

[The fall of Clarendon, 1667. "Pepys' Diary," vii. 152.]

1667 October 16th.

For news . . . the Commons and Lords have concurred and delivered to the King their thanks for his removal of the Chancellor, who . . . promised them . . . never in any degree to give the Chancellor any employment again. . . . The king did give the Duke of York a sound reprimand . . . and advised him not to cross him in his designs about the Chancellor, in which the Duke of York do very wisely acquiesce . . . but presently commands all his friends to be silent in the business of the Chancellor . . . but that the Chancellor hath done all that is possible to provoke the King and to bring himself to lose his head by enraging of the people.

["Pepys' Diary," vii. 225.]

December 4th.

I hear that the House of Lords did send down the paper, which my Lord Clarendon left behind him directed to the Lords, to be seditious and scandalous and that the Commons have voted that it be burned by the hands of the hangman.

[*Ibid.*, p. 227.]

December 6th.

My Lord Clarendon did go away in a Custom House boat and is now at Calais; and, I confess nothing seems to hang more heavy than his leaving of this unfortunate¹ paper behind him, that hath angered both Houses and hath, I think, reconciled them in that which otherwise would have broken them in pieces.

21.

[Articles of Treason exhibited in Parliament against Edward, Earl of Clarendon. (a) 6 November, 1667. Heads of the Accusations. C.J., ix. 16.]

1. That the Earl of Clarendon hath designed a standing army to be raised and to govern the Kingdom thereby; advised the King to dissolve this present Parliament; to lay aside all thoughts of Parliaments for the future; to govern by a military power and to maintain the same by free quarter and contribution.

2. That he hath in the hearing of many of his Majesty's Subjects . . . seditiously said that the King was in his heart a Papist, popishly affected or words to that effect.

4. That he hath advised and procured divers of his majesties subjects to be imprisoned, against Law, in remote Islands, Garisons and other places, thereby to prevent

¹Clarendon sent to London from Calais a protest declaring his innocence.

them from the benefit of the Law and to introduce Precedents for imprisoning any other of his Majestys subjects in like manner.

8. That he hath in a short time procured to himself a greater Estate than can be imagined to be lawfully gained in so short a time. . . .

9. That he introduced an arbitrary government in His Majesty's Plantations. . . .

11. That he advised and effected the sale of Dunkirk to the French king for no greater value than the Ammunition, Artillery and Stores were worth.

15. That he procured the Bills of Settlement for Ireland and received great sums of money for the same in most corrupt and unlawful manner.

16. That he hath deluded and betrayed his Majesty, and the Nation, in foreign Treaties and Negociations, relating to the late war and discovered and betrayed his secret counsels to his Enemies.

17. That he was principal author of the fatal counsel of dividing the Fleet about June 1666.

[*(b)* 11 November, 1667. C.J., ix. 18.]

The question being put, That the Earl of Clarendon upon this head [*i.e.* Number 16] be Impeached of Treason :

The House was divided.

The Yeas went forth.

Tellers, Sir Robert Carr	}	for the Yeas
Sir Charles Wheeler		161.
Sir Robert Brookes	}	for the Noes
Sir Thomas Allen		89.

So it was resolved in the affirmative.

. . . Resolved etc. That an Impeachment of Treason and other high crimes and misdemeanours be carried up to the Bar of the House of Lords, against the Earl of Clarendon.

[(c) 25 November, 1667. L.J., xii. 146.]

A message was sent to the House of Commons . . . to acquaint them . . . that the Lords are not satisfied with the Desires of the House of Commons for sequestering from this House and committing the Earl of Clarendon without any particular Treason assigned or specified.

[A Conference between the Houses resulted in the passing of the "Act for banishing and disabling the Earl of Clarendon," 19 December, 1667. L.J., xii. 179.]

22.

[For the antipathy of the English to the Dutch, 1660-74, see G. B. Hertz, "English Public Opinion after the Restoration" (1902). The following extract is from "The Old Exchange to the New Stadt House," 1667. Chapbooks, London III.]

Low Country Provinces, United Bogs,
 Once Distrest States, now Hogen Mogen Frogs;
 Royal and Noble Intrest gone, command;
 Grown formidable both at sea and land;
 Who but a century of years before
 Dabbled in Fishing, despicably poor
 In seamless vessels, troughs, cut out of logs
 Catch'd Whitings—Mops; now Gog and Gog-Magogs.
 In stately Pines new Constellations raise,
 Ploughing up billow two and thirty ways;
 Through Boiling Brine, through Cakes of Crusted Ice.
 For Gold and Silver, Ivory, Oyle and Spice;
 What Straights, Gulphs, Treading Days, dare they to pierce
 By water to take in the Universe?
 Are they with force not able to invade?
 No matter; They'll undo the world by trade:
 Four Frogs, Two Tod-pols, and one greasy Toad
 Deep freighted Bottoms bear from Road to Road.
 . . . Batavian frogs, advanced by [?] one sole power
 Whom Jove first planted from a Thunder shower . . .

. . . Suspect no conflagrations from the East,
 But a new Sun ¹ arising in the West,
 His flames beware make peace or arm with speed
 You more than all the Elements with need . . .
 He threatens my huge arms to bind in chains,
 And now at home a second Neptune reigns,
 Who three great Nations sways and two fair Isles
 His people 'Ruler of the Nations' stiles.

Moral.

Princes beware to aid a growing state.
 Lest they be first to give you the check-mate.
 Wealth and success turns humbleness to pride,
 Beggars on horseback to the Devil ride.

23.

[The Triple Alliance was concluded between England, Holland, and Sweden to force Louis XIV to make peace with Spain and to relinquish his claim to the Spanish Netherlands. Sir William Temple concluded the alliance at the Hague on 23 January, 1667-8, and it was signed by the Swedish envoy on the 24th. The nation's fear of Holland was, after 1668, to a certain extent eclipsed by the greater terror of French arms; see M. L. R. Beaven, "Sir William Temple" (1908). (a) Arlington to Sir W. Temple, 22 November, 1667, "Arlington's Letters," vol. i. (ed. 1710).]

The Holland ambassadors call upon us to help them to make the peace and the ambassadors from Spain . . . call all overtures of that kind but delusions; and would persuade us the Dutch ambassadors have power to declare against France if we will come into the assistance of Spain.

[On 25 November orders were sent to Temple, to arrange a Treaty with the United Netherlands. (b) December, 1667. Letter from Temple to Arlington, describing his conference with de Witt.]

He [de Witt] told me the States of Holland finding so much time already lost . . . had at their last separation

¹ France.

resolved that it should be proposed to their allies to enter into a joint mediation between the two Crowns, the force of which should consist in these three points:—

1. To oblige France to accept the peace upon the terms already propos'd by that King.

Secondly, To oblige France to stop all further progress of the war upon the first proposal of this mediation.

Thirdly, That the mediators should become jointly the warranties of this agreement.

That this being the opinion of the States . . . he hoped that both his Majesty and the Crown of Sweden would joyn with them in it. . . .

They [the States] were very ready to make a League Defensive with us, and . . . he should be glad his Majesty would declare himself for the protection of Flanders.

[*(c)* 23 January, 1667-8. Arlington to Temple.]

Your brother carries back to you the Treaties ratified in due Form which you will take care to exchange, and to send over to us by a safe conveyance those you receive from the States. . . . His Majesty hath charged me with giving you thanks for the good service you have rendred to him in this occasion.

[*(d)* Instructions to Temple returning from the Hague to Brussels, 25 January.]

Having exchanged the Ratifications of our Treaties at the Hague . . . you shall transport yourself . . . to the Marquis de Castel Rodrigo and indear . . . to him the part you have had in bringing the States Generall to these last Resolutions so favourable to the affairs of Spain, and conjuring him . . . in the accomplishing those Points which are the Foundation of our Union and the only human means left to preserve our good Brother, the Catholick King, the Dominion of his Countreys.

[Terms of the Triple Alliance. Separate Articles attached to the Treaty for the purpose of declaring what the allied nations would do if France refused to come to terms with Spain. Courtenay, "Life of Temple" (1836), Appendix C. Anglo-Dutch Agreement, 23 January, 1667-8.]

III. If . . . the Most Christian King should . . . refuse to promise that he will sign the treaty of peace as soon as the Spaniard shall consent to give up all those places which have been acquired by him in his last expedition, or such an equivalent as shall be agreed by mutual consent, or in case he shall not accomplish his promise, but shall disallow . . . the provisions that are expressed in the treaty, which are so necessary to obviate the fears and jealousies that are most justly conceived of the Most Christian King's intentions to make a farther progress of his arms into the Low Countries. . . . In all these cases . . . England and the United Netherlands shall be bound and obliged to join themselves to the King of Spain to make war against France . . . and if it should be thought expedient to the parties concerned to continue the war till things shall be restored to what they were at the time when the peace was made upon the borders of both kingdoms in the Pyrenean Mountains.

24.

[Anglo-French negotiations prior to the Treaty of Dover. Paris Transcripts, Baschet, Bundle 121, fo. 247. Bib. Nat.: Fonds Français, MS. 10665 (French). Despatch from Colbert de Croissy, the French Ambassador, to Louis XIV, 25 April, 1669.]

The King of England has told me sufficiently loudly for all who were near us to hear, that the Dutch were great rascals . . . that they considered themselves the arbiters of the destinies of Europe, and that their pride ought to be lowered. I replied, in a whisper, that when he wished to come to an understanding with your Majesty,

he would not find it difficult and that I was delighted to see that not only the chief personages at Court who bore a sincere affection for his service but also the magistrates and merchants were fully aware that England could gain nothing but good from an alliance with France. . . . The Duke of York informed me that he was more anxious for such an alliance than for any other, for he regarded it as absolutely essential for the support of the monarchy. He considered that it was to the interest of your Majesty that England should never again become a Republic; while only convinced republicans were opposed to the alliance.

25.

[The Secret Treaty of Dover, 22 May, 1670. Mignet, "*Négociations*" (1842), iii. 187. (French).]

1. Alliance to be concluded hereby, between the King of Great Britain and the King of France.

2. The King of Great Britain, being convinced of the truth of the Catholic Faith [is] determined to declare himself a Catholic and reconcile himself to the Roman Catholic Church as soon as the welfare of his realm shall permit. . . . His Most Christian Majesty promises to further this action by giving to the King of Great Britain 2,000,000 "*livres tournois*" and to pay one half of that sum within three months after the exchange of ratifications of the present treaty . . . and the other half three months later. And also the aforesaid Most Christian King promises to assist his Britannic Majesty with six thousand foot-soldiers. . . . The time for declaring himself a Catholic is left entirely to the discretion of the aforesaid king of Great Britain.

4. It is also agreed . . . that if the Most Christian King should acquire new titles and rights to the Spanish Monarchy, the aforesaid king of Great Britain shall assist his most Christian Majesty to the best of his power, both by sea and land.

5. . . . It is agreed . . . that their majesties shall declare war conjointly, with all their naval and military forces on the States General of the United Provinces, and that neither of the aforesaid kings can conclude a treaty of peace, or truce . . . with the States General without the . . . consent of the other.

6. [King of France to equip and maintain the armies necessary for carrying on the war, save that the King of England must maintain an army of 6,000 foot.]

7. In regard to the naval war, the King of England undertakes to equip at least fifty men of war and ten frigates to which his Most Christian Majesty agrees to add a squadron of thirty vessels. . . .

9. It is agreed that after¹ the aforesaid king of Great Britain shall have made the declaration specified in the second Article of this Treaty, which it is hoped, by the Grace of God, will be followed with great success, it will be left entirely to the power and discretion of his Most Christian Majesty to settle the time when the aforesaid kings shall declare war with their united armies against the States General. . . .

[The Treaty was signed by Arlington, Arundell, Clifford (English), and by Colbert de Croissy (French)].

26

[Anglo-French negotiations after the Treaty of Dover. Charles would not fulfil his promise to support Louis against the Dutch until after he had granted religious toleration to Roman Catholics in England: he hoped to profit by the delay and gain a more substantial pension from Louis. Croissy to Louis XIV, 29 August, 1670. Paris Transcripts, Baschet, Bundle 125. Archives des Affaires Etrangères, Angleterre, No. 98, fo. 198 (French).]

In reference to his own pension, Arlington told me

¹Henrietta, Duchess of Orleans, had tried to persuade Charles II to agree to declare war before avowing himself a Catholic; to this he had refused to agree.

that he could as yet neither accept nor refuse the offer which I made him, but he said that he would apply to your Majesty when he should be in need of help. As to the main business, I besought him to persuade the king his master, on his return, to decide at what time he would declare himself a Catholic, and take the right measures preparatory to opening war on the Dutch next spring. I showed him that a long delay would ruin our treaty as the Dutch would discover the scheme and set up obstacles in England, both by means of those of their persuasion and of other persons ill-disposed towards the throne. . . . He replied that he had told the king his master that as the time for receiving the money from Your Majesty drew near, it would be necessary to describe the preparations which he had made for the fulfilment of his promises. To this, the king of England had but answered that he hoped everything would go well in time. He intimated to me that he was still uncertain whether the king intended to summon a Parliament in October or February, but that at the next session, as soon as he obtained a sufficient supply of money, he would dissolve Parliament and grant by his own sovereign power, freedom of religious worship to each of his subjects and he would also declare himself a Catholic. If this plan should succeed, according to his wishes, he would prepare to open war on the Dutch as your Majesty's ally. . . . I repeated all the reasons which might persuade him that it is to the interest of the king of England to declare war on the Dutch before or at any rate at the same time as declaring himself a Catholic. He replied that without the support of Parliament, they could not undertake war, and it would be necessary to exercise patience, unless Your Majesty, wishing to hasten the execution of the scheme, should advance a larger sum of money. I answered that the amount we had already promised to provide was so large and so difficult to supply,

that I did not consider the proposal to augment it could be intended seriously.

27.

[The Cabal Ministry, 1671. The writer of these memoirs was a staunch adherent to the Stuart cause, and an ardent admirer of Clarendon. Earl of Ailesbury, "Memoirs." (Roxburghe Club, ed. 1728, i. 13.)]

Our evil counsellors . . . were five in number and were termed a cabal, in allusion to Clifford, Ashley, Buckingham, Arlington, and Lauderdale. The first, of a haughty and aspiring spirit . . . two years after, on refusing to take the Test, resigned his staff of Treasurer; Ashley, afterwards Lord Shaftesbury, as hot and fiery as the former, showed it plainly in his speech as Lord Chancellor, where he sets out the reason for entering into the war, and as a finishing stroke he ends with the words *Delenda est Carthago*. . . . The Duke of Buckingham was flashy and vain, without judgment and would rather lose his friend (nay the King) than his jest. . . . Arlington was as much dipped in those evil counsels as any of them, . . . he afterwards sided with the malcontents . . . out of an antipathy he had toward Sir Thomas Osborne. . . . The Lord Lauderdale from the very beginning of the rebellion [in Scotland] was one of the most zealous in that bad and horrid cause.

This lord was of a most extraordinary composition; he had learning and [was] endowed with a great memory, as disagreeable in his conversation as was his person, his head was towards that of a Saracen fiery face and his tongue too big for his mouth. . . . He . . . hated . . . chiefly that noble and good patriot the Duke of Ormond.

[The Stop of the Exchequer, 5 January, 1671-2. P.C.R., 63, 143.]

His Maty having this day Ordered the Lords and others of his Privy Councill to attend him in Councill is pleased to Declare, That seeing all the princes and States his neighbours were making great preparations for warr both by Sea and Land His Matie for the safetie of his government and people lookt upon himselfe as obliged to make such preparations as might be proportionable for the protection both of the one and the other, and to that end he has already given orders for the fitting out of a very considerable fleet. . . . By this inevitable necessity His Maty . . . not finding any possibility to defray such un-usuall expenses by the usuall wayes . . . of borrowing moneys . . . was necessitated . . . upon these emergencyes and the public safety at the present to cause a stop to be made of the payment of any moneys now being or to be brought into his Exchequer for the space of one whole year ending the last day of December next, unto any person . . . whatsoever by virtue of any warrant, security or orders . . . payable within that time. [Sir Heneage Finch Attorney General is ordered to prepare a Bill to pass the Great Seal, empowering the Commissioners of the Treasury to order officials of the Exchequer to postpone all warrants and cause payment to be made of any person's interest].

And the Lords of his Matie's Treasury are further to be Ordered and Required to employ and dispose of all the said moneys so stopt and detayned for the p'paring and setting forth and payment of his Matie's Fleet and other publique services in order to the p'servation and safetie of his Matie's Government and defense of his people as His Matie shall from time to time Order and Direct.

29.

[(a) Instructions to Sir George Downing, who was sent to the Hague to inflame the Dutch against the English by citing such grievances as the failure to salute the English Flag, etc. Minutes of the Foreign Committee of the Privy Council. S.P.F., Entry Books, Miscellaneous, 176.]

29 October 1671. Foreign Committee at Whitehall.

Present. King's Maty.

Rll. Highnesse	Ea. Lauderdail
Pr. Rupert	Ea. Arlington
Ld. Keeper	Ld. Ashley
Dk. Monmouth	Mr. Treas ^r .
Dk. Ormond	Mr. Sec ^{ry} . Trevor.

Holland.

Instructions to Sir George Downing knt going Ambr. to Holland offered by Mr. Sec. Trevor. Adds. To bring reparacōn upon Van Ghent for refusing to salute ye yacht. That this be ye final point upon w^{ch} to be satisfied before anything else be done.

5th November 1671. [Same members present except that Buckingham is present and Monmouth is absent.]

Mr. Sec^{ry}. Trevor produces Sir George Downing's Instructions adds in ye complaint against Medalls as well as scandalous Bookes¹ etc. . . .

4 March, 1671-2. Psent.

The King	
Royall Hss.	Ea. Lauderdail
Pr. Rupert	L ^d . Arlington
Dk. Buck ^m .	Mr. Treas ^r

Holland.

Order to ye Dk [as Ld. High Admiral] that whereas his Maty has received no satisfaction from ye States Generall for ye offences done His Flagg and after some dayes

¹ Published against England at the Hague.

expectation, To give ord^r that what shipps are now ready at Portsmouth forthwith to take ye sea and make stopp of all Dutch vessells and to bring them into Port till further ord^r. And if they shall resist then to fight, Sinke, Burne or destroy them, and to have strict charge over them that they touch nothing of ye lading or what shall be on board.

[(b) The Declaration of War, 17 March, 1671-2. P.C.R., lxiii. 195.]

We have been alwaies so zealous for ye quiet of Christendome and so careful not to invade any Kingdome or State, that wee hope ye would will do us the justice to believe, that it is nothing but inevitable necessity forceth us to ye Resolution of taking up arms.

[Account here follows of the causes of the First Dutch War, 1665-7, and the subsequent violation of the Treaty of Breda by the Dutch in Surinam.]

But it is no wonder that they venture these outrages upon our subjects in remote parts when they dare be so bold with Our Royall Person and ye Honour of this Nation so near us as in their Owne Country, their being scarce a Towne within their Territoryes, that is not filled with abusive Pictures and false Historicall Medalls and Pillars. . . .

The right of the Flagg is so ancient . . . it was never questioned and it was expressly acknowledged in the Treaty of Breda, and yet this last Summer it was not only violated by their Comanders at Sea, and that violation afterwards justified at the Hague, but it was also represented by them in most Courts of Christendome as Ridiculous for us to demand. . . . An Ungrateful Insolence. . . .

We have therefore thought fit to declare and do hereby Declare, That wee will prosecute warr both by Sea and Land against the States General of the United Provinces

and all their Subjects and Inhabitants, . . . willing and Requiring all our Subjects to take notice of the same.

30.

[The appointment of Shaftesbury to the office of Lord Chancellor.
"Shaftesbury Papers," x. 515.]

Immediately after Lord Shaftesbury received ye seals he was commanded by the king to issue writts for Electing Ministers of ye House of Commons before the meeting of Parliament in the room of others who were deceased.

31.

[Further "Stop of the Exchequer," 11 December, 1672, and Declaration of Indulgence. P.C.R., lxiii. 353.]

It was this day ordered by his Matie in Councell that the Rt Honble the Earle of Arlington, his Matie's Principall Secry of State doe forthwith cause his Matie's order and declaration touching the farther stop of all payments of money out of the Exchequer untill the first day of May next ensuing, which was this day read and approved at the Board, to be forthwith printed and published. . . .

It was this day ordered by his Matie in Councell that the Rt Honble Anthony Earle of Shaftesbury Lord Chancellor of England doe cause the greate Seale of England to be affixed to his Matie's Declaration for Indulgence in matters of religion bearing date this 15 of March last past.

32.

[Resignation of Clifford and promotion of Osborne (Danby) after the Test Act. "Evelyn's Diary," ii. 84, 19 June, 1673.]

Congratulated the new Treasurer Sir Thomas Osborne, a gentleman with whom I had been intimately connected at Paris, and who was every day at my father-in-law's

house and table there; on which account I was too confident of succeeding in his favour, as I had done in his predecessors; but such a friend shall I never find and I neglected my time, far from believing that my Lord Clifford would have so rashly laid down his staff as he did, to the amazement of all the world, when it came to the test of his receiving the Communion, which I am confident he forbore more from some promise he had entered into to gratify the Duke than from any prejudice to the Protestant religion, though I found him wavering a pretty while.

33.

[Reply of the Commons to the King's demand of "A Supply," for the carrying on of the war, after 1673. The following extracts illustrate the antagonism of the Commons to the Second Dutch War. (a) Friday, 31 October, 1673. The House resolved itself into a Grand Committee. Anchitel Grey, "Debates of the House of Commons," 1667-94, ii. 197-209.]

Mr. Russel.

The business of this day is "Money." . . . Would not vote things hand over head; let us consider what we give this money for, and consider what we give as destructive to the nation (by maintaining this war) and the Protestant religion. The French king calls this war a "Catholic war" and seeing we are upon so wrong a bottom, and if betrayed by those about the king let us tell him plainly of it. Former Parliaments have done it; and moves to pass a negative vote upon "Money."

Mr. Secretary Coventry.

Knows not that ever the House of Austria had the name of Hugonot among them, though Holland joined with them. We can have war with Holland without Religion in the case, they once had with the French as we have now. . . . Consider they (the Dutch) have provided a great fleet against the Summer, and you will give no

money, and so have no fleet; which way will you secure the Plantations and Tangier?

*Mr. Sacheverell.*¹

Is one of those that think "giving of money" one of the greatest grievances. It seems to him that those villainous Counsellors, that persuaded the king to make this war, have deceived him in this speech; do not they know of the unpaid taxes granted this last Session with the Prizes and the Customs? . . . It was said before . . . "Give money and Grievances shall be redressed." . . . The army is so insolent that they may turn you out of doors. . . . If Redress of Grievances be an argument for "Money" you will never want grievances. Will you not heighten France by giving more money, . . . that he may have dominion at sea which we now contend for? And by this negative we may deliver ourselves both from France and Rome.

*Mr. Attorney Finch.*²

This is an English and no other war. . . . The king may engage in a war; but when his people shall storm him out of it, the hour will come that his enemies wish for, for the Dutch will now be upon greater terms, having ever desired such a storm as the king could not allay.

Mr. Powle.

Shall never think that Privilege of Parliament is not violated so long as a Privy Counsellor³ sits in the Chair. He that was Contriver of the Declaration made Lord Privy Seal⁴ and another as much concerned made Chief Governor of Scotland.⁵ This is to bring in popery in Triumph.

¹ See Sitwell, G. R., "The Sitwells and the Sacheverells" (1900), vol. i. ch. 5.

² His adherence to the king caused him to be made Lord Keeper, 9 November, 1673, and Lord Chancellor in 1674.

³ Sir E. Seymour. One of the Naval Commissioners.

⁴ Anglesey.

⁵ Lauderdale.

*Sir William Coventry.*¹

Thinks it better we had no fleet ; thinks not so highly of the Dutch nor meanly of ourselves but that we may do well without the King of France. . . . The French interest is to keep us from being masters of the sea ; the French have pursued that interest well ; moves to insert in the Question, “ unless it shall appear that the obstinacy of the Dutch shall make a supply necessary.”

[The Commons then refuse a supply.]

[(b) Sir Chr. Musgrave, M.P., to Williamson, 3 November, 1673 ; Letters to Sir Joseph Williamson, 1673-4 (ed. W. Christie, Camden Society, 1874), ii. 59. No. 1321.]

I have had the honour of yours of the 3rd stilo novo. . . . The notes I know are exactly sent you, theirfor I will not trouble you with repitition, but upon Fryday as much sharpness was expressed against the war with Holland and the alliance with France as the spirits of our corner could conceive. Great complaints against the army and such characters fixed upon the military men as would almost discourage any person who regarded his honour to be concerned in an imploy. Privy Councillors escaped not their fury being termed villainous counsellors.

34.

[The marriage of the Duke of York and Mary of Modena was violently attacked by Parliament, for the framers of the Test Act naturally objected to the prospect of a Papist Queen. Shaftesbury's open antagonism to the alliance aroused the enmity of the Duke and caused his dismissal from office. “Shaftesbury Papers,” x. 584.]

Three days after the prorogation, Lord Shaftesbury went to ye Council in expectation of the Sheriffs being pricked for the ensuing year, but as it was determined that ye Seals should be taken from him it was not thought proper . . . y^t he should have any share in naming ye

¹ Leader of the Country Party in the House of Commons.

Sheriffs. . . . On . . . the 9th of November when Lord Shaftesbury went to Court he judged that the Seals were to be taken from him. [Description of Shaftesbury's interview with the king and the scheme that the Seals should be taken from Shaftesbury after the Chapel Service.] The King and the Chancellor came out of the closet smiling and talking together, which was so contrary to the expectation of those who were present that some . . . told the Duke of York that all their measures were broken. [Henry Coventry fetched the Seals from the Chancellor after the conclusion of the Service.]

35.

[The Treaty of Westminster, 9-19 February, 1673-4. Chalmers, i. 172.]

It is concluded and agreed that from this day there shall be a firm and inviolable peace, union and friendship betwixt His Majesty the King of Great Britain and the High and Mighty Lords the States General of the United Provinces, and betwixt all their subjects whether within Europe or without, in all regions and places whatsoever.

IV. That the aforesaid States General of the United Provinces in due acknowledgment on their part of the King of Great Britain's right to have his flag respected in the seas hereafter mentioned, shall and do declare and agree, that whatsoever ships or vessels belonging to the United Provinces whether vessels of war or others or whether single or in fleets, shall meet in any of the seas from Cape Finisterre to the middle point of the land Van Staten in Norway, with any ships or vessels belonging to his Majesty of Great Britain, whether those ships be single or in greater number, if they carry His Majesty of Great Britain's flag or jack, the aforesaid Dutch vessels or ships shall strike their flag and lower their top sail, in the same manner and with as much respect as hath at any

time or in any place been formerly practised towards any ships of his Majesty of Great Britain or his predecessors, by any ship of the States General or their predecessors.

36.

[Charles II attempted to act as mediator between France and Holland during the period from February, 1673-4, to April, 1675, when he held no Parliament and was being liberally supplied with French gold. Williamson to Sir W. Lockhart, ambassador in France, 21 January, 1674-5. S.P.F., Entry Books, vol. 18.]

My Lord, I suppose Mr. Secry Coventry will have given you by ye last Post an account of his Matys resolutions upon entring forthwith without losse of time into ye figure of mediatour, at least betweene France and Holland, by both which he has been formally some time since accepted as mediatour. That accordingly he has at ye Instance of Holland, undertaken to accept of Moeurs for ye place of Assembly and that he has signified so much to ye States.

37.

[The case of Shirley v. Fagg. See *infra*, p. 97. "Letters to the Corporation of Hull, 1660-1678," by Andrew Marvell, M.P. (Member of the Country Party). Letter CLIV. 15 May, 1675.]

The unhappy misunderstanding betwixt the two Houses increaseth for these two days because the Lords have proceeded upon an appeale against Sir John Fag, one of the Commons. An ill accident hath come in, for a servant of the Commons House having the Speaker's warrant to seize Dr. Shirley the appellant, and finding him in the Lords' lobby, shewed the warrant to the Lord Mohun who took it, and carried it away into the Lords' House, where they kept it; the Commons sent to demand justice against the Lord and the Lords sent that the Lord had therein done his duty and by their own messengers sent to ask whether the Commons would own that

warrant ; . . . they [the Commons] then voted this message of the Lords unparliamentary ; but these things are but circumstantiall to the main matter, the appeale, and that will be carried on with no less vigour ; yet I hope there will be some good expedient found out.

38.

[The marriage of William of Orange and Mary, daughter of James, Duke of York. Charles Hatton to his brother Lord Hatton, 23 October, 1677. Hatton Correspondence, Camden Society.]

We are all here in town my Ld, soe full of joy at ye declaration y^t Lady Mary is to be marryed to ye Prince of Orange. . . . Last Sunday his Maty declared to ye Cabinet Counsel y^t ye match betwixt Lady Mary and ye Prince of Orange was concluded on, and ye Privy Counsell wase summoned yesterday morning, and ther his Maty did publickly acquaint y^e Lds therewith. . . . After w^{ch} several Lds of ye Counsell made complimental speech to His Highnesse [the Duke of York] and y^e Lords ordered y^t ye Lord Mayor of London shou'd be acquainted wth ye mariage intended and should order bonfires to be made in y^e city. After ye Counsel wase up, Lady Mary declared her consent, and in ye afternoone all ye Ministers of State and Lds of ye Counsell went in a body to waite on Lady Mary and y^e Prince of Orange, and ye whole night wase spent in ringing of bells and bonfires, and ye greatest expressions of joy w^{ch} I beleeeve ever were in England, except at y^e King's restauration.

39.

[Charles' secret negotiations with Louis. In February, 1678, the Commons voted £1,000,000 for the maintenance of ninety ships and 30,000 landsmen to be employed against France. Louis XIV had been intriguing with the Opposition Party in England, but Charles II chafing under the control of Parliament displayed his

anxiety to make terms with France. The following letter was sent by Danby to Montagu, the English ambassador in Paris, on 25 March, 1678, while vigorous preparations for a war against France were being set on foot in England. It is subscribed by Charles II "I approve of this letter, C.R.," and is endorsed in Danby's hand. H.M.C.R. xv. App. pt. 2 (Eliot Hodgkin MSS. Danby Papers), pp. 194-6.]

I am commanded by his Majestie to lett you know that you are to make the propositions inclosed to the king of France, and to tell him that the king will undertake for the seeing them made good on the part of Spaine and Holland in case they shall bee accepted by him. . . . For the more dexterous management of this matter the king is advised to shew these propositions to Mons^r. Barillon, but not to give him a copy, so that by the strength of memory itt is expected hee shall write to his Master, and by that means only we are to hope for an answer to a matter of this vast importance, and consequently you may imagine what a satisfaction wee are like to reape from it when it comes. I doubt not but by your conduct itt will be brought to a speedier issue, which is of as great importance as the thing itselfe, there being no condition worse for his majestie then his standing unresolved betwixt peace and war. . . . In case the conditions of the peace shall be accepted, the king expects to have six million of livres a year for three years from the time that this agreement shall be signed betwixt his majestie and the king of France, because it will probably bee two or three years before the Parliament will be in humour to give him any supplys after the making of peace with France. . . . If you find the peace will not be accepted you are not to mention the money at all.

40.

[Barillon, French Ambassador in England negotiated secretly with Charles II in order that the Anglo-Dutch Alliance might be dissolved, and Charles agreed to withdraw almost the whole of the English contingent from the Continent on receipt of 6,000,000 livres from Louis, if the Dutch had failed within two months to agree to Louis' terms. Barillon to Louis XIV, 12 May, 1678. Paris Transcripts, Baschet, Bundle 129, fo. 105 (French).]

After a negotiation which lasted two days, the king of England has announced to me that he will agree to make the States General accept the terms of peace which your Majesty offered to them at Nimeguen, through your ambassadors. I have only been held back from signing a treaty with His Britannic Majesty . . . because His Britannic Majesty only agrees to sign a treaty . . . on condition that he receives a subsidy of six million livres for the first year and as much for each of the two following years. Your Majesty will see by this project that His Britannic Majesty demands two months for the States General to accept the conditions of the peace proposed at Nimeguen. . . . I have held that this is too long a term and that one month would be sufficient.

[*Ibid.*, fo. 107, 19 May.]

I received the day before yesterday the dispatch from your majesty dated the 15th of this month, I have nothing to do here in execution of the orders therein contained. I offered two months time and six millions for three years as your majesty has permitted me to do. This offer has not yet been accepted.

[*Ibid.*, fo. 196, 28 May.]

M. de Ruvigny is bringing to your Majesty the copy of the treaty signed yesterday by His Britannic Majesty; Your Majesty will see that your orders have been carried out in all essential matters.

41.

[The Treaty of Nimeguen. The following extract is taken from the description of the Treaty of Nimeguen furnished by Sir William Temple, English ambassador at the Hague. Temple, "Memoirs" (1770), ii. 454.]

Thus the peace was gained with Holland. His Majesty was excluded from any fair pretence of entering into the war, after the vast expense of raising a great army and transporting them to Flanders. . . . Spain was necessitated to accept the terms that the Dutch had negotiated for them; and this left the peace of the Empire wholly at the mercy and discretion of France, and the restitution of Lorraine (which all had consented in) wholly abandoned and unprovided. So that I must again conclude the conduct of France to have been admirable. . . . On the contrary, our counsels and conduct were like those of a drifting island driven one way or t'other according to the winds or tides. . . .

Thus ended this whole negotiation, which was near raising so great a fire. France having the peace with Holland, treated all the rest of it with ease and leisure, as playing a sure game. England to avoid a cruel convulsion that threatened her at home, would fain have gone into the war, if Holland would have been prevailed with; but they could not trust us enough to lose the present interest of trade for the uncertain events of a war wherein they thought their neighbours more concerned than themselves.

42.

[The Popish Plot (see J. Pollock, "The Popish Plot" (1903)). (a) Impressions of the Duke of York, 18 October, 1678. S.P.D., King William's Chest, Letters from the Duke of York to William of Orange, Bundle III.]

As for newse this pretended plot is still under examination, and the Judges are to give their opinion whether

one witnesse in point of treason be sufficient to proceed criminously against anybody and I do verily believe that when this affaire is thoroughly examined it will be found nothing but malice against the poor Catholicks in general and myself in particular; there is another thing happened which is that a justice of the peace Sir Edmondbury Godfrey was missing some days, suspected of severall circumstances very probable ones, to designe the makeing himselfe away. Yesterday his body was found in a big place in the fields some two or three mils off with his own sword through him, this makes a great noise and is layd upon the Catholicks, also, but without any reason for it, for he was knowen to be far from being an enemy to them. . . . All these things happening together will cause I am afraid, a great flame in this Parliament when they meet on Monday for those disaffected to the Government will enflame things as much as they can.

[(b) J. Wellwood, M.D., "Memoirs of the Most Material Transactions in England" (ed. 1700).]

There was at that time a Popish Plot, and that there always has been one since the Reformation to support if not to restore the Romish Religion in England, scarce anybody calls in question. How far the near prospect of a Popish Successor ripen'd the Hopes and gave new vigor to the Designs of that Party, and what methods they were then upon, to bring their Designs about, Coleman's letters alone . . . are more than sufficient to put the matter out of doubt. . . . This is certain, the Discovery of the Popish Plot had great and various Effects upon the Nation, and its from this remarkable Period of Time we may justly reckon a new Aera in the English Account. . . . It gave rise to, at least, Settled the unhappy Distinction of Whig and Tory among the People of England that has ever since occasion'd so many Mischiefs. And the Discovery of the

Popish Plot began that open struggle between King Charles and his people that occasion'd him not only to dissolve his first Favourite Parliament and the three others that succeeded, but likewise to call no more for the rest of his Reign. All which made way for bringing in question the Charters of London and other Corporations with a great many dismall effects that followed.

[(c) The murder of Sir Edmond Berry Godfrey. N. Luttrell, "Brief Relation of State Affairs, 1678-1714," ed. 1817, i. 1.]

On Saturday the 12th of this month [October] was Sir Edmondbury (*sic*) Godfrey, a justice of peace of Middlesex, missing, and so continued till Thursday morning following, when he was found murthered on Primrose hill, near Hampstead; his stick and gloves sett up against the hedge, his money and his watch in his pockett, and his sword sticking in his body but not bloody (which is an argument that he was run through when dead), and he had a livid circle round his neck, as if he had been strangled. . . .

On the 20th his majestie, out of his wonted goodnesse, putt forth a proclamation for the discovery of the murtherers of the said Sir Edmondbury Godfrey, promising the reward of 500 pounds and pardon to any who shall discover the same.

43.

[The Parliamentary Test Act, and the Queen's alleged complicity in the Popish Plot. Reresby, "Memoirs," p. 152.]

November 30, 1678.

Was employed in taking the Oathes, and the test by the two Houses of Parliament. All the popish lords were banished that House by it, save three that swore. The Commons did generally take the oaths, etc.

December 1.

It was voted by the Commons that an address be made to the King from that House, representing the ill state of the nation, and the danger it was in, by His Majesty rather following private councils than those of his two Houses of Parliament. My Lord Treasurer was struck at, and some others of the Cabinet Council by this address. This was carried by twenty-two votes, and some of the Court's friends were for it; which made some jealous that the Duke, being no longer in Council, was fearful my Lord Treasurer should have too much power with the King, and was therefore consenting that he should be thus removed. It was said too (but unjustly) that some had persuaded the Duke that my Lord did persuade the King that there was something of probability in the accusation of the Queen, that he might hearken to a divorce and marry another more likely to bring children to the Crown. The bills for the disbanding of the army and raising money for that service, and for the better conviction of popish recusants took up the time of both Houses, where happened many warm debates too long here to be named, the Commons not suffering the Lords to alter a money bill.¹

44.

[The fall of Danby. (a) Articles of Impeachment of High Treason and other High Crimes . . . and offences against Thomas, Earl of Danby, Lord High Treasurer of England. C.J., ix. 561, 21 December, 1678.]

1. That he hath traiterously encroached to himself Regal Power, by treating in matters of Peace and War with Foreign Princes and Ambassadors and giving Instructions

¹The right of the Lords to amend Money Bills was disputed by the Commons in 1671 and 1678, but the constitutional question involved was not settled until after the Revolution.

to his Majesty's Ambassadors abroad without communicating the same to the Secretaries of State and the rest of of his Majesty's Council. . . .

2. That he hath traiterously endeavoured to subvert the Ancient and well established Form of Government in this Kingdom and instead thereof to introduce an arbitrary and tyrannical way of Government. And the better to effect this his Purpose, he did design the raising of an army, upon pretence of war against the French king and then to continue the same as a standing army within this kingdom.

3. That he traiterously intending to alienate the Hearts and Affections of His Majesty's Subjects from his Royal Person . . . and to hinder the meeting of Parliaments . . . and thereby to alter the Constitution of the Government of this kingdom, did . . . negotiate a Peace for the French king upon Terms disadvantageous to the interest of His Majesty and His Kingdoms. For the doing whereof he did endeavour to procure a large sum of money from the French king. . . .

IV. That he is popishly affected; and hath traiterously concealed . . . the late horrid and bloody plot . . . contrived by the Papists . . . and hath suppressed the evidence, . . . immediately tending to the Destruction of of the King's Sacred Person and the Subversion of the Protestant Religion.

V. That he hath wasted the King's Treasure . . .

VI. [That he has gained for himself gifts and grants by illicit means.]

45.

[Parties in Parliament after the discovery of the "Plot." See H. C. Foxcroft, "Life and Letters of G. Savile, Marquis of Halifax," vol. i. ch. vi. Sir W. Temple, "Memoirs," ii. 476.]

At my arrival in England at the end of February I found the king had dissolved¹ a Parliament that had sat

¹ 24 January, 1678-9.

eighteen years and given great testimonies of loyalty and compliance with his majesty till they broke first into heats upon the French alliances, and at last into flames upon the business of the Plot; I found a new Parliament was called;¹ and that to make way for a calmer session, the resolution had been taken at court for the duke's going over to Holland, who embarked the day after my arrival at London.² The elections of the ensuing Parliament were so eagerly pursued, that all were in a manner engaged before I came over; and by the dispositions that appeared in both electors and elected, it was easy to presage in what temper the houses were like to meet: my lord Shaftesbury, my lord Essex, and my lord Halifax had struck up with the duke of Monmouth resolving to make use of his credit with the king, and to support it by theirs in the Parliament: and though the first had been as deep as any in the Counsels of the cabal, while he was chancellor, yet all three had now fallen in with the common humour against the court and the Ministry endeavouring to inflame the discontents against both. . . . Sir William Coventry had the most credit of any man in the house of commons, and, I think the most deservedly, not only for his great abilities, but for having been turned out of the Council and Treasury to make way for my lord Clifford's greatness, and the designs of the Cabal. . . . He was extremely dissatisfied with the conclusion of peace, and with the ministry . . . and in these dispositions he was like to be followed by the best and soberest part of the house of commons. For my lord Treasurer³ and lord Chamberlain,⁴ I found them two most admirable emblems of the . . . felicity of ministers of state; the last notwithstanding the greatest skill

¹ It was opened on 6 March, 1678-9.

² See the king's letter ordering the duke to leave England in Clarke, "Life of James II," i. 541.

³ Danby.

⁴ Arlington.

of court . . . was now grown out of all credit with the King, the Duke and Prince of Orange, and thereby forced to support himself by intrigues with the persons most discontented against my lord Treasurer's ministry whose greatness he so much envied, and who was at this time in much worse condition than himself, . . . for he had been very ill with the late parliament on account of a transaction with France,¹ which though he had not approved, yet he durst not defend himself from the imputation for fear of exposing his master; . . . and to complete the happy state of this chief minister, the duchess of Portsmouth and the Earl of Sunderland were joined with the Duke of Monmouth and earl of Shaftesbury in the design of his ruin.

46.

[For the Privy Council of 1679 see Temple, "Memoirs," ii. 553, and Foxcroft, vol. i. ch. vi. The following is from the "Letters of The Honourable Algernon Sidney to the Honourable Henry Savile, Ambassador in France" (1742), p. 31, 21 April-1 May, 1679.]

You will perhaps be surprised to hear that yesterday the king did entirely dissolve his Old Privy Council and chose a new one, consisting of fifteen Officers of the Crown, ten Lords and five Commoners; his Majesty retaining unto himself the liberty of naming a President, calling such Princes of the Blood as should be from time to time, and the Secretary of Scotland for the time being, if he thought fit; declaring moreover that whensoever any Place should be vacant he would name none without the advice of the Council; and that the person named should be called by a Letter subscribed by them all. To which he was pleased to add that he would have no *first* or *principal* Minister, no Committee of Foreign Affairs or

¹ *Supra*, p. 42. The King of France was unable to forgive Danby for arranging the Dutch alliance and consequently paid Montagu to produce this letter to cause Danby's overthrow.

Cabinet Council; but that in all things he would follow and rely on their advice, next to that of his Great Council, the Parliament, which was also specified in the letter sent by his Majesty for the calling of every one of them, who are now to serve in the Council. . . . The Lord Shaftesbury is declared President of the Council. These were sworn this morning, and the Ceremony being performed, the King went to the house of Lords, and sent for the house of Commons to whom he did impart all that had passed; and all that I have yet spoken with, seem much pleased; . . . A friend of yours and mine is as far as I understand, the author of all this; and if he and two more can well agree amongst themselves, I believe they will have the management of almost all businesses and may bring much honour to themselves, and good to our nation.

[*Ibid.*, p. 61, 12 May.]

The three that I meant in my Letter that you would have me explain, were the Earls of Sunderland, Essex, and Halifax, and I am still of the same mind so far as the power of the Court goes.

47.

[The king attempted to pardon Danby, but the power of Parliament was too strong for him to be able to save his minister. *Ibid.*, p. 40, 28 April.]

I dare give no opinion upon these points but I hear the learned say *The king cannot pardon a man impeached by Parliament upon a Publick Account.* . . . Though perhaps the court may be prevalent enough in the house of Lords to have it admitted; that would be of evil consequence, no man doubting but the house of commons will exceedingly dislike such a judgment, and grow very refractory thereupon; and the whole nation would follow them in it, so as all business would be thereby obstructed; by which means the King, upon the personal account of the Earl of Danby

would lose the advantage of all that hath been done of late to please the nation.

48.

[The Duke of York's view of the Exclusion Bill. H.M.C.R., xv. App. v.; Savile-Foljambe MSS., p. 131. Letters¹ from the Duke of York to the Prince of Orange.]

(a) 1 June. Brussels.

You will have seen how violently they procede on against me and that the bill for depriving me of the succession had had one reading and was to be read again as on Monday last. So that except his Majesty begins to behave himself as a King ought to do, not only I, but himself and our whole family are gone; and things have been lett go to that passe that the best I can expect is very great disorders, and unlesse some things very vigorous be done within a few days the monarchy is gone.

(b) 6 July.

I am not all of your mind as to what concerns the meeting of Parliament for I can hope no good from it, but . . . all the ill imaginable and not only to me, but to his Majesty and our whole family as may appeare by the bill that was read against me, which was against law, and destroys the very being of the monarchy, which I thanke God yett has had no dependency on Parliament nor on nothing but God alone, or never can, and be a Monarky, and I hope his Majesty will be of this mind and never lett the House of Commons sitt againe.

49.

[Sitwell's "The Sitwells and the Sacheverells" (chaps. 8, 9) contains an able account of the "Whig" Party, 1675-9. Laurence Echard, "A History of England" (1707).]

All this Winter [1679-80] . . . men's Minds were agitated by Pamphlets and Petitions; but none made more Noise

¹ See Notes on Sources, p. xii.

or had Greater Effects than that call'd "An Appeal from the Country to the City." The author desires the chief Citizens to go up to the top of the Monument and fancy to themselves the following objects: "First, Imagine you see the Whole Town in Flames, occasion'd a second time by the same Popish malice which set it on fire before. At the same instant fancy that amongst the distracted crowd, you behold Troops of Papists ravishing your wives and daughters dashing your little children's brains out against the walls. . . . Also casting your eyes to Smithfield, imagine you see your Father and Mother . . . ty'd to a stake in the midst of Flames . . . which was a frequent spectacle the last time Popery reigned among us. . . ."

After much arguing . . . for the prevention of these mischiefs he says at last, "for which purpose no person is fitter than His Grace the Duke of Monmouth, as well for Quality, Courage and Conduct. . . . He will stand by you, therefore you ought to stand by him. And remember the old Rule is, He who hath the worst title ever makes the best King." While these and the like Pamphlets were shewing to the people, great Endeavours were us'd to procure a multitude of Hands to Petitions which were framing in London, Westminster and several counties to be presented to the King for the sitting of Parliament on January 26th.¹

. . . Booksellers of the Country Party were indicted for publishing seditious and scandalous Libels, . . . above all . . . Benjamin Harris . . . the publisher of "The Weekly Domestick Intelligence" who [had] been found guilty of vending "An appeal from the Country to the City." . . .

¹ The King, however, prorogued Parliament still further, first until 11 November and finally until 15 April. The return of the Duke of York from Scotland in January aroused the Country Party to a fever-heat of excitement.

And now it was that those very counties which had been lately so active . . . in promoting Petitions for the sitting of Parliament, seemed to be ashamed and to fall into the contrary practice of Abhorring. . . . Great heats and Animosities were created by these Petitioners and Abhorrrers, both in the City and the Country . . . and about the same time arose the Pernicious Terms, and Distinctions of Whig and Tory, both Exotick Names, which the Parties invidiously bestowed upon each other; All that adhered to the Interest of the Crown and Lineal Succession, were by the Contrary Party branded with the title given to the Irish Robbers; and they in return gave the others the name of Whigg, or Scotch Sour-Milk, formerly appropriated to the Scotch Presbyterians and rigid Covenanters; Two Unhappy Denominations too well remembered at this time.

50.

[The Anglo-Spanish Treaty was effected by Sunderland, Secretary of State, on 10 June, 1680. Anxious to adopt a popular foreign policy, he severed Charles II from his alliance with France, but his support of Monmouth in the Exclusion contest of November, 1680, to January, 1681, resulted in his dismissal and in the King's return to the French alliance in March, 1681. (a) Letter to Henry Savile from Sunderland, 14 June, 1680. S.P.F., Entry Books, vol. 19.]

By my last I let you know that we had concluded and signed a strict defensive Treaty with the Spanish Ambassador, between Our Master and his. The king would have you speak with Mons. de Croissy of it, because a great many Impertinent people are apt to say, that his Maty is making . . . leagues against His Most Christian Maty, therefore he thinks you ought to let Mons. de Croissy know that what he has done and is doing is onely to secure the Peace, which he is soe much obliged to maintain and that he never will breake it. . . . What you say you must say in the gentlest and friendliest of termes you can, and acquaint the Dutch Amb^r. with it first. . . .

[(b) "London Gazette," No. 1523, Monday, 21 June-Thursday, 24 June, 1680.]

Bruges, 19-29 *June*.—The newes . . . of a defensive alliance . . . between England and Spain occasions a great deale of joy in these parts and has raised people's spirits from the apprehensions the Designs of the French put them into.

51.

[The Exclusion contest. (a) Debates in Parliament. See Foxcroft, i. ch. viii. and authorities quoted in the footnotes for details of the important part played by George Savile, Visct. Halifax. Grey, "Debates," vii. 403-18, 2 November, 1680.]

Colonel Birch.¹—This is a great debate and much fitter for the House than for Grand Committee. . . . One said to-day, "It may be a Civil War will ensue upon this Bill of Exclusion." We have no great reason to fear that. . . . But will any Gentleman, the meanest, that must deny his Religion and his God, fear bleeding for it? I lay this Religion and Popery in the scale. . . . I am for the bill to exclude the Duke.

Sir William Pulteney.—I am afraid that a Popish king will have a Popish Council and Popish Bishops; and that Priests and Jesuits now skulking in corners will appear in public and that the Government will be Popish. . . . No man can instance a Popish Prince and Protestant subjects. Thursday, November 4th 1680.

Sir Leoline Jenkins.²—I crave leave to speak against a second reading of this Bill, till I am satisfied that it is for the service of the Crown, and the safety of the nation. . . . This Bill . . . does change the very essence and being of the Monarchy. Consider whether you do not reduce it to

¹ This member's speech reveals the extent to which certain members of the Country Party would go for the cause of Protestantism.

² Secretary of State.

an Elective Monarchy. . . . Consider whether this Bill is consistent with the Oath of Allegiance we have all taken.

[Grey, "Debates," viii. 5, 13, 18 ; 17 November.]

Sir William Jones.¹—Tangier is a place of great moment, but I take the preservation of religion to be far greater. . . . Tangier is no part of England, and for us to provide for it as things are now is to weaken our security. Tangier has a Popish Church.

Lord Russell.²—Though Tangier be in danger of being lost, giving of money for support of Tangier is giving of money for Popery. . . . And how to talk of Tangier when the kingdom is sinking ?

Sir William Temple.—I take the place [Tangier] to be of no moment to England but . . . one thing we are to consider, into whose hands it may fall. . . . I fear its falling into the hands of France. . . . If the French get Tangier and make it the Blockhouse of the Mediterranean, Algiers will be so many hounds in their hands and they will run them loose . . . as they please, upon Holland and us. They will take the trade from the English. The weight of all Christendom as well as of England hangs upon this session of Parliament.

[On 27 November the Commons refused to give supplies for maintaining Tangier, unless the King sanctioned the Exclusion Bill (C.J., ix. 665). The King refused to agree to this stipulation on 15 December (C.J., ix. 679), and the Commons then presented the following Address on 20 Dec. (C.J., ix. 685).]

We are most humble Petitioners to your Sacred Majesty that . . . when a Bill shall be tendered to Your Majesty in a Parliamentary way to disable the Duke of York from inheriting the Crown Your Majesty will give

¹ Important member of the Country Party.

² One of the leaders of the "Exclusionist Party." He carried the Bill to the House of Lords on 15 Dec.

Your Royal Assent thereto. These our humble Requests being obtained, we shall on our part be ready to assist Your Majesty for the preservation of Tangier.

[(b) Reply of the King, 4 January, 1680-1, C.J., ix. 699.]

The king is confirmed in his opinion against that Bill by the opinion of the House of Lords who rejected it.

52.

[The Oxford Parliament. This, the fourth and last Parliament of the reign, met at Oxford, as that city was known to be less disaffected to the King than was London. The "Protestant Oxford Intelligence," No. 7 (Burney Collection of Newspapers, 81A).]

(a) Oxford, 21 March, 1680-1.

This day . . . the Lords and Commons being assembled in Parliament about Ten in the morning, his Majesty came in attended by several of the Nobility. . . . He entered the House of Peers, . . . then being seated in his Chair of State . . . the House of Commons were sent for who attended to the number of 250 or thereabout. When silence [was] made his Majesty opened the Parliament with a very gracious speech, exhorting them, That they would find a speedy way for the settling of the nation.

22 March. From Oxford.

His Grace the Duke of Monmouth is a second time arrived there [at Oxford] being attended with a very great train and was welcomed with great expressions of joy.

(b) 28 March.

This day between 8 and 9 in the morning the House of Commons met, . . . and . . . no sooner were they assembled but they fell to a consult about an Expedient . . . after which some speeches passed concerning the Bill relating to his Royall Hss the Duke of York. About 10 of the Clock his Majesty came to the House of Lords . . .

and the Black Rod went to the Commons and acquainted them it was His Majesty's pleasure they should attend him at the Bar of the Lords House. In obedience to which, they with their Speaker accordingly went, where being come, His Majesty . . . was graciously pleased to tell them, He saw so much heat at the beginning of this Session, that he knew no good would come of it, and thereupon ordered the Lord Chancellor [Finch] to do as was commanded. Who told them, "That it was His Majesties Pleasure that this Parliament be dissolved, and accordingly this Parliament is dissolved." . . . It is said His Majesty has been graciously pleased to Declare, that he will make the Law his Rule to act by, and that he will subsist upon his own Revenue, without invading any one's property: And that he himself will . . . endeavour to root out the Popish Plot. . . . Which Gracious Resolution will . . . engage the hearts of all True and loyal subjects . . . and endear them to so good a Prince.

53.

[Disorder caused by the Whig Party in London, 1681. Roger North, "Examen," 1740, p. 597.]

It hath often been observed that the best and generally most substantial of the citizens whom the author honours with the title of Court Party were much concerned at the Disorder the City was in; whereof almost the whole Authority and Justice was fallen into the hands of a Party and the very exterior countenance of the city was altered for the worse. All the feasting and common good fellowship of the citizens was henceforward laid aside and in Coffee Houses and Corners of the Streets were Continual debates about Party making and Party working and not seldom right down scolding and quarrelling.

54.

[The trial of the Earl of Shaftesbury, leader of the Country Party, occupied the attention of the Court after the dissolution of the Oxford Parliament. A London jury acquitted him and he was released from bail in February, 1682, but as fresh warrants were issued against his life, he escaped to Holland in the ensuing November. (a) The Earl of Longford to Ormonde, 15 September, 1681. H.M.C.R., xiv. App. pt. 7, Ormonde MSS., vi. 154.]

All I have to add to the story I wrote to your Grace last post of my lord Shaftesbury's application to his Majesty is, that in case his Majesty should think fit that Carolina should be the place of his lordship's retreat. . . .

It is said that since the Sheriffs¹ of Middlesex or London are so obstinate in their returns of packed juries, it is resolved that before the Grand Jury stirs from the King's Bench bar, the bill of indictment against the Earl of Shaftesbury shall with the witnesses be presented to them in open court that the world may be witnesses of their perjury in case they do not find the bill.

[(b) Acquittal by London jury, Longford to Ormonde, 26 November, *ibid.*, p. 236.]

The loyal Protestant Intelligence gives your Grace so good an account of the proceedings on Thursday last at the Old Bailey, that I shall not trouble your Grace with the transactions at law in that affair. There were present to observe matters, The Duke of Monmouth, my Lord Essex, my lord Russell, . . . and many more of that party, and there were a great rabble who were very rude in hissing when the witnesses were examined and whooping and hollowing after the jury had brought in their *ignoramus*, and when my Lord Chief Justice would have spoken they . . . whooped and hollowed. . . . The witnesses went back in two coaches attended by a good guard of the

¹The grand jury was chosen by the sheriffs from among supporters of Lord Shaftesbury.

sheriffs and it was but necessary, for a rabble of above six hundred men followed them very tumultuously, and with very ill language, as far as the Savoy where they alighted, and would have been in danger of being torn in pieces if the doors had not been shut and well guarded. As coaches passed by the bonfires the rabble about them demanded money to drink my Lord Shaftesbury's health, and where they refused it the coachmen and footmen were lustily mauled, and this happened to Mr Hamilton's servants as he returned that night from dancing in the City. . . . It is believed my Lord Shaftesbury will be bailed on Monday. . . .

[(c) The Duke of York to the Prince of Orange, 18-28 December, 1682. S.P.D., King William's Chest, Bundle III.]

I find by yours of the 22nd . . . that Lord Shaftesbury was at Amsterdame and do beg that you will have nothing to do with such a kind of man as he, that is so very great an enemy to all our family in generall, as well as a particular one to me.

55.

[The attack on the municipal charters was undertaken in order that the King might be able to control the elections to Parliament. A London jury had acquitted Shaftesbury and the city was regarded as the most important Whig stronghold; in spite of the Corporation Acts the Nonconformists formed an extremely powerful body, opposed to the monarchical interest. Petition from the city, "London Gazette," 18-21 June, No. 1835.]

Sheweth that your Petitioners are most heartily and unfeignedly sorry for the misgovernment of this your city of late years, whereby the citizens have fallen under your Majestys Displeasure, which occasioned a Quo Warranto to be brought against them, upon which Judgment hath been pronounced for seizure of their Liberties and Franchises into Your Majesties Hands. And now con-

sidering this our distressed condition, we humbly cast ourselves at Your Royal Feet, Imploring Your Princely Compassion and Grace to be extended to this your ancient city. . . .

King's Reply—by the mouth of the Lord Keeper.

My Lord Mayor,

I am by the King's Command to tell you that He hath considered the humble Petition of the City of London where so many of the present Magistrates, and other Eminent citizens are of undoubted loyalty, and affection to His Service, That for their Sakes His Majesty will shew the City all the favour they can reasonably desire.

It was very long before His Majesty took Resolutions to question their Charter: It was not the Seditious Discourses of the Coffee Houses, the Treasonable Pamphlets and Libels daily Published and Dispersed thence into all Parts of the Kingdom, the Outrageous Tumults in the Streets nor the Affronts to his Courts of Judicature could provoke Him to it.

His Majesty had Patience till Disorders were grown to that height, That nothing less seemed to be Designed than a Ruine to the Government both of Church and State; For the Factious Party were not content with the Practise of these Violences, but endeavoured to have them Publicly countenanced by the Magistrates, and for that end in all Elections they stickled to chuse the most disaffected into offices of the greatest Trust in the Government, and carried themselves with that Heat and Violence, that it was a terror to all sober and discreet Citizens; and the City was so unhappily divided into Parties, That there was no likelihood it could return to Good Order, so long as the Factions retained any hopes of procuring the Election of Magistrates of their own Party, for their Impunity. . . . This made it necessary for his Majesty to enquire into their Abuse of Franchises. . . . And now the King

hath obtained judgment in a Quo Warranto, it is not his Intention to Prejudice them, either in their Properties or Customs. . . . His Majesty hath resolved to make the Alterations as few and as easie, as may be consistent with the Good Government of the City and Peace of the Kingdom. They are these ;

His Majesty requires your Submission to these Regulations ;

That no Lord Mayor, Sheriff, Recorder, Common Serjeant, Town Clerk, or Coroner of the City of London, or Steward of the Borrough of Southwark, shall be capable of or admitted to the Exercise of their respective Offices, before His Majesty shall have Approved them under His Sign Manual.

That if His Majesty shall Disapprove the Choice of any Person to be Lord Mayor, and signifie the same under His Sign Manual to the Lord Mayor, or in default of a Lord Mayor to the Recorder or Senior Alderman ; The Citizens shall within one week proceed to a new choice : And if His Majesty shall in like manner disapprove the Second Choice, His Majesty may, if He so please, Nominate a Person to be Lord Mayor for the ensuing year. If His Majesty shall in like manner disapprove the Persons chosen to be Sheriffs, or either of them, His Majesty may appoint Persons to be Sheriffs for the ensuing year by His Commission if He so please.

Nevertheless, the Elections of these Offices may be according to the Ancient Usage of the City, with these Restrictions. . . .

My Lord Mayor,

The Term draws toward an end, and Midsummer-Day is at hand when some of the Offices use to be chosen, whereof His Majesty will Reserve the Approbation ; Therefore it is His Majesties Pleasure that you return to the City, and consult the Common Council, that he may

speedily know your Resolutions hereupon, and accordingly give His Directions.

That you may see the King is in Earnest, and the Matter is not capable of Delay, I am Commanded to let you know, He hath given Order to His Attorney General to Enter up Judgment on Saturday next, unless you prevent it by your Compliance with these particulars.

56.

[The evacuation of Tangier was rendered inevitable by the failure of Parliament to carry the Exclusion Bill. For a detailed account of its abandonment see Corbets, "England in the Mediterranean," ii. ch. xxv. The most vivid contemporary narrative is contained in Pepys' "Tangier Diary." (a) George Legge, Baron Dartmouth [Commander of the Expedition for the Destruction of Tangier] to Col. Percy Kirke [Governor of Tangier] Col. Charles Trelawney [colonel of the Earl of Plymouth's Regiment] Lt.-Col. Boynton, Sir James Lesly [ambassador to the Moors] and others. Tangier 18 December, 1683. H.M.C.R., xv. App. pt. 1, Dartmouth MSS. iii. 129.]

It being very necessary in the execution of his majesty's pleasure and commands touching this place, that all ways and means be considered of and used for the total destruction of the walls of the town, the castle, forts and fortifications, within and without it, so as to leave it uninhabitable and without any sort of succour or defence for the Moors or any others that shall attempt to possess themselves of it, these are to desire . . . you . . . to take a view and consider of the several mines . . . prepared for the blowing up of the said walls, castles and forts . . . whether you think the same will be sufficient. . . .

[(b) Reply to Col. Percy Kirke and others. Tangier, 20 December.]

We do hereby . . . certify . . . that the said mines etc. . . . are we conceive ordered in the most proper manner for the blowing up and demolishing the said works . . .

both in the town and castle . . . and in the upper castle especially, which is a fortress after the modern way, and where the Portuguese had been at great expense to fortify the same, extraordinary care . . . is put in practice for the more certain and effectual demolishing . . . the principal works . . . where batteries and platforms may with best advantage be made to the seaward and from whence greatest annoyance can be given to shipping.

57.

[The Rye House or "Protestant" Plot, in which Monmouth, Russell, Essex, and Sidney were implicated. "Memoirs of the Earl of Ailesbury," i. 83.]

I was eyewitness of what the enemies of his Royal Highness could never believe. They represented him to be implacable and of an obdurate heart. . . . This unfortunate great lord was most charming both as to his person and engaging behaviour; a fine courtier but of a poor understanding as to cabinet and politics, and gave himself wholly to flatterers and knaves by consequence. His free . . . declarations as to the validity of the witnesses and by consequences of the plot enraged the factious party to the highest degree and the relations of those that had suffered. . . . Two of his [Monmouth's] emissaries went into all the coffee houses where they boldly gave the king and his royal brother the lie, even in the royal coffee house at Whitehall . . . these with others declared that the Duke of Monmouth had confessed nothing . . . and 'twas nothing but state policy to impose on the nation a protestant plot . . . to take away the lives of . . . noble . . . patriots and asserters of the Protestant Church because they had so bravely opposed a popish successor coming to to the Crown.

[The Rye House Plot and Execution of Russell and Sidney, with a description of the last years of Charles II's reign. J. Wellwood, "Memoirs," ed. 1700, pp. 118-20.]

The Duke of Monmouth . . . stood possess'd of all the Qualities requisite to gain him the Love of the People and stir up the jealousy of the Duke of York. . . . The more he was depress'd by the Envy of his Uncle, the higher he arose in the affections of the People ; till the breaking out of what was called the Protestant Plot overwhelmed not only him but a whole Party with him. This Plot was in some part a greater mystery than the Popish Plot had been before, and had more dismal Effects. The shattered Remains of English Liberty were then attack'd on every side ; and some of the noblest Blood in the nation was offered up a Sacrifice to the names of Popish Martyrs and made to atone for the Bill of Exclusion. Swearing came once more into fashion, and a new Evidence Office was erected at Whitehall. But whereas the witnesses of the Popish Plot were browbeaten and discouraged, those of the Protestants were highly encouraged ; and instead of Judges and Juries that might boggle at Half Evidence, as it fell out in the Prosecution of the former ; care was taken in this to pick out such as should stick at nothing to serve a Turn. It was by such Judges and Juries that the Lord Russell and Mr. Sidney fell ; and the cutting off those two Noble Lives, may be reckoned among the first Triumphs of the Duke's Party in England. . . . The rest of that Reign was one continued Invasion upon the Rights of the People, and the Nation seem'd unwilling now to contend for them any more . . . and the Duke's creatures were managing all things to their mind at home. Nature prevailed upon King Charles at length, and the Shame of feeling himself impos'd upon by others far short of him in parts and that the Court was anticipating his Death, by

their Addresses to his Brother, as if he had been already King, did help to awaken him out of his slumber, and brought him to lay a Project for a mighty Change in the Affairs of England which probably might have made both him and the Nation happy. If he had lived but a few weeks longer, Monmouth had been recall'd to Court, the Duke of York had been sent beyond sea and a new Parliament conven'd. But what farther was to follow must be buried with his Ashes, there being nothing left us but bare suspicions of what might have been. This is certain, his Death came opportunely for the Duke; and in such a manner and with such Circumstances, as will be a Problem to Posterity, whether he died a Natural Death or was hasten'd to his grave by Treachery.

59.

[Extracts from "A Character of Charles II," by George Savile, Marquis of Halifax, ed. 1750.]

IV. His Conduct to his Ministers.

He lived with his Ministers as he did with his Mistresses, he used them but he was not in love with them. He shewed his Judgment in this, that he cannot properly be said even to have had a Favourite. . . . He was free of access to them which was a very gaining quality. He had at least as good a memory for the Faults of his Ministers as for their Services, and whenever they fell the whole inventory came out, there was not a slip omitted. That some of his Ministers seemed to have a superiority did not spring from his Resignation to them but to his Ease. He chose rather to be eclipsed than to be troubled.

His Brother was a Minister and he had his jealousies of him. At the same time that he raised him, he was not displeased to have him lessened. . . . He had back stairs to convey Informations to him, as well as for other uses ;

and though such Informations are sometimes dangerous (especially to a Prince that will not take the pains necessary to digest them) yet in the main, that humour of hearing every body against any body, kept those about him in more awe than they would have been without it. I do not believe that he ever trusted any man or any set of men so entirely as not to have some Security in which they had no share. . . . In general he was upon pretty even terms with his Ministers, and could as easily bear their being hanged as some of them could his being abused.

VII. Conclusion.

A Prince neither sharpened by his misfortune whilst abroad, nor by his Power when restored, is such a shining character that it is a reproach not to be dazzled with it as not to be able to see a fault in its full light. It would be a scandal in this case to have an Exact Memory. And if all who were akin to his vices should mourn for him, no Prince would be better attended to his Grave. . . . If he sometimes let a servant fall, let it be examined whether he did not weigh so much upon his Master as to give him a fair Excuse. That yieldingness, whatever disadvantage it might lay to the disadvantage of Posterity, was a specifick to preserve us in peace for his own time. If he loved too much to lie upon his own down-bed of ease, his subjects had the pleasure, during his Reign, of lolling and stretching upon theirs. As a sword is sooner broken upon a Feather-bed than upon a Table, so his Pliantness broke the blow of a present mischief much better than a more Immediate Resistance would perhaps have done.

60.

[Accession of James II. "Evelyn's Diary," 4 February, 1684-5,
ii. 207.]

His Majesty being dead, the Duke, now King James II, went immediately to the Council, and before entering into

any business, passionately declaring his sorrow, told their lordships that since the succession had fallen to him, he would endeavour to follow the example of his predecessor in his clemency. . . . That however he had been misrepresented as affecting arbitrary power, they should find the contrary . . . and that as he would never depart from the just rights and prerogatives of the crown, so would he never invade any man's property, but as he had often adventured his life in defence of the nation, so he would still proceed, and preserve it in all its lawful rights and liberties.

61.

[The Ministry of 1685. Luttrell, "Brief Relation," 16 February, 1684-5, i. 331.]

His Majestie hath constituted Lawrence Earl of Rochester lord high Treasurer of England, the marquesse of Hallifax lord president of his council, the earl of Clarendon lord privy seal, the duke of Beaufort lord president of Wales, the lord Godolphin lord Chamberlain to the Queen, Henry Bulkeley Esqre master of his household, Sir Stephen Fox and Sir Wm. Boreman clerks of the green cloth, Sir Winston Churchill¹ and Sir Richard Mason clerks comptrollers.

62.

[Parliamentary Elections, 1685, in which Lord Keeper Guilford (North) was the King's most able electioneering agent. See "Lives of the Norths," ii. 115. The following extract is from Luttrell, i. 341 8 May.]

About this time persons were very buisy in elections of members of the house of commons to serve in the ensuing parliament: great tricks and practices were used to bring in men well affected to the king, and to keep out all

¹ Father of the first Duke of Marlborough.

those they call whiggs or trimmers at some places, as Bedford etc., they chose at night giving no notice of it. . . . In counties they adjourned the poll from one place to another to weary the freeholders, refusing also to take the votes of excommunicate persons and other dissenters; noblemen buisying themselves with elections, getting the writts and precepts into their hands and managing them as they pleased, king commanding some to stand, and forbidding others, polling many of his servants at Westminster to carry an Election; foul returns made in many places; and where gentlemen stood that they call'd whiggs, they offered them all the tricks and affronts imaginable.

63.

[The Duke of Monmouth's Rebellion. "King Monmouth," by A. Fea (1902), is a detailed and illustrated description of the life of the Duke of Monmouth, and contains valuable footnote references to printed and MS. sources. (a) James II's Account (written on 15 June, 1685, to William of Orange), S.P.D., King William's Chest, Bundle III.]

Tho the D. of Monmouth landed at Lyme in Dorsetshire on Thursday evening, I gott not notice of it till Saturday morning, he found nobody in the Towne, I meane of the Militia and so possest himself of it, beside the ship he was in himself there came with him two other ships of about one hundred tuns each, and by what I have been yett informed of, I do not heare he brought on shoare wth him above two hundred men, since w^{ch} severall of the common sort of people have flocked into him, who he has armed, having brought with him great store and by a spy I had lately amongst them they give out they are three thousand, but he tells me they are not half so strong, and that then there was never a gentleman come into him, but one Trenchard, that I had sent to Seas, some days before Monmouth's landing, and had got away, and was one of the late conspiracy, with him, and had got out upon the habeas corpus act.

The Militia of the neighbouring counties are by this time gott together and marching to him, and I have sent down nine comps of foott, fower troops of horse, two of Dragoons, which are all to be at Salisbury by tomorrow night, with seven small feild peces, to march forward if occation be. There has been some little fighting already betweene the Rebels and some of the Dorsettsheir militia, at a place called Bridport, some three miles from Lyme, unto which quarter some two hundred foott and one hundred horse of the rebells fell, and at first killed one Mr. Strangways and another gentleman and took two or three more, but more help coming to the militia they beat back the Rebels, killed some, and took five, with severall arms they flung away in their hasty retreat. This happened on Saturday and every moment I expect to heare of some more action, and in a few days I hope to send you a good account of this affaيرة, he now takes upon him to be king as you will see by the Declaration he has put out, w^{ch} by order of the Lords was burnt by the hand of the hangman, since there was never a more lying malicious paper then that.

[(b) Description of Lord Feversham's Progress from his departure from London on 20 June, 1685, to his victory over the rebels at Sedgemoor. March of the army from London to Bath, Norton St. Philip ("Phillip's Norton"), Westbury, Frome, Glastonbury, and finally to Bridgwater where the camp was set up. H.M.C.R., Stopford-Sackville MSS., i. 12.]

On the great road that came from Bridgwater to Weston was our grand guard of 40 horse under the command of Captain Upcott, before him centryes and in the lane between them and Bridgwater, patrolls. To the right of our camp and against the way from Bridgwater . . . was a guard of 100 horse and 50 dragoons, commanded by Major Compton, before them an advanct party . . . centrys and patrolls. . . .

Our patrolls . . . apprehending the approach of the

enemys vanguard . . . gave notice to our advanct party, and they to our guard of 150 horse under Sir Francis Compton. . . . In the meantyme my Lord Churchill having the command of the foot, seeing every man at his post doing his duty, commandeth one troop of his dragoons to march over the ditch between our horse on the left and our camp, the other two troops being drawn up on the right of the foot under the command of my Lord Cornbury. . . . The rebels being at this tyme very uneasie, our foot and our canon fireing on their front while our horse charged them on both sides, my Lord Feversham commanded all the foot to march over the ditch directly to the enemy upon which two of their batalions . . . fled, Capt. Littleton having beaten them from their cannon, which our foot perceiving, ran eagerly to possess themselves of it, while the Rebels ran after the rest of their foot, that had been scouring away for some tyme in the rear in great disorder and confusion, which only our troops next them were sencible of, who durst not pursue untill it was light for fear of being knockt on the head by our owne men, elce but few of them escaped us. . . .

The Duke of Monmouth finding himself disappointed [in his design to proceed to Bristol with his army] . . . both my lord Grey and he stript themselves of their armour in tyme and fled, leaving most of their foot . . . to be cut in pieces, many of those who did escape being wounded.

64.

[Punishment of the Rebels, July, 1685. Luttrell, i. 354.]

Severall of the rebels of the west are brought up to town. . . .

Col. Kirk, who is left in the West, hath hanged up many of the rebels in the West at Taunton, Frome, Wells, and other places, some say above one hundred.

[The Dispensing Power was exercised by James II and attacked by Parliament. On 9 November, 1685, the King's Speech had been read to the House of Commons; in it he had demanded support for the maintenance of "a good force of well-disciplined troops" in which there were "some officers . . . not qualified according to the late Tests for their employments." The reply of the House, after thanking the King for the suppression of the rebellion, was as follows. C.J., 16 November, 1685, ix. 758.]

We further crave Leave to acquaint Your Majesty that we have with all Duty and Readiness, taken into our Consideration Your Majesty's Gracious Speech to us, And as to that part of it relating to the Officers in the Army, not qualified for their Employments, according to an Act of Parliament made in the 25th year of the reign of Your Majesty's Royal Brother of Blessed Memory, intituled, An Act for preventing Dangers which may happen from Popish Recusants, we do, out of our Bounden Duty, humbly represent unto Your Majesty, That those officers cannot by law be capable of their Employments, and the Incapacities they bring upon themselves thereby, can no ways be taken off, but by an Act of Parliament. [The Commons promise to prepare a Bill to indemnify the Officers from the Penalties already incurred.] And because the continuance of them in their Employments may be taken to be a Dispensing with that Law, without Act of Parliament (the consequence of which is of the greatest concern to the Rights of all Your Majesty's Dutiful and Loyal Subjects and to all the Laws made for the Security of their Religion); we therefore, the Knights, Citizens and Burgesses of Your Majesty's House of Commons, do most humbly beseech Your Majesty, that you would be graciously pleased to give such Directions therein, that no Apprehensions nor Jealousies may remain in the hearts of your Majesty's good and faithful Subjects.

66.

[The establishment of the Ecclesiastical Commission was regarded as King James II's attempt to control the Church. J. S. Clarke, "Life of James II," ii. 89.]

There was another question therefor of great moment moved at that time [July, 1686], and which his Majesty thought fit to consult the Judges likewise, in relation to an Ecclesiastical Commission.¹ This made his Majesty think it beyond dispute that his Commission was legal, especially so long as the commissioners kept within the bounds of Ecclesiastical Censures, and neither fined, imprisoned, nor tendered oaths *ex officio* . . . he therefore [conveyed] that power into the hands of such persons as would not be biased against a Religion they themselves professed especially having the Archbishop of Canterbury² at their head, to whom he joined the Lord Chancellor Jeffreys,³ the Earle of Rochester, Lord High Treasurer, the Earle of Sunderland President of the Council and Secretary of State, the Bishops of Duresme and Rochester, Sir Ed. Herbert chief Justice of the Common Pleas; to these persons he granted (during pleasure) the power of exercising all manner of ecclesiastical jurisdiction, pre-eminence, etc., to correct and amend all abuses which were under the connissance of Ecclesiastical Laws, with power for them, or any three of them, . . . to enquire into all abuses etc. and to punish by censure of the Church; to call any Ecclesiastical Persons before them, of what degree soever; to enquire into, and punish, their misdemeanours by suspension or depriving them of spiritual

¹ The Act of Supremacy of 1559 had enabled Elizabeth to vest in commissioners the ecclesiastical jurisdiction, and the Act of 1661 had declared that nothing could take away from the King "all ecclesiastical jurisdiction, censures and coercions."

² Sancroft refused to act on the Commission.

³ President of the Commission.

promotion according to the said Laws . . . to inspect and correct if needful, the Statutes and Rules of any Colledges, Scooles, Collegiate Church etc. or make new ones if wanted, to order their temporals for the best and to execute that Commission notwithstanding any appeal etc.

67.

[The dispute with Magdalen College is fully described in the following extracts illustrating the relations between James II and the Universities in 1687 ; for further details, see Bloxam, "Magdalen College and James II." (a) "Life and Times of A. Wood" (ed. 1899), iii. pp. 216-8, 224, 248-9.]

March 24. Thursday.

Henry Clark, M.D^r., President of Magd. Coll. died. . . .

April 9. S[aturday].

Anthony Farmour, demie of Magd. Coll. brought a Mandamus from the King to be president, the fellowes rejected it. Was there ever such a ridiculous thing known that a mandamus for such a person should come from the King? Sure if the King had a right understanding of things and men, he would not have commended such a person.

April 15. F[riday].

John Hough, B.D. and Fellow of Magd. Coll. Chaplain to James duke of Ormond was chose president of Magd. Coll. by the fellowes.

Aug. 12. F[riday].

Privie seale passed for the bishop of Oxford (Samuel Parker) to be president of Magd. Coll.

A citation dated 17 Oct. M. was stuck on Magd. Coll. outer gate on the 19th day of the same month for Magd. Coll. to be visited on Friday the 21st and so *de die in diem* by D^r Thomas Cartwright (bishop of Chester), Sir Robert

Wright, Knight (Lord Chief Justice), Sir Thomas Jenner, knight (recorder of London).

28 Oct. F[riday].

The Commissioners met in the morning. Mr. George Fulham told them that their installment and admission of the president (the bishop of Oxon) was illegal because they did it without the *posse comitatus*—wherefore he was suspended.¹

[Wood here appends the form of expulsion of the twenty-five fellows from Magdalen College who refused to submit to the king's decree.]

“Whereas in our Visitation of Magdalen College it appeares unto us that

“Dr. Charles Aldworth vicepresident, Dr. Alexander Pudsey Th.D., Dr John Smith M.D., Dr Thomas Baylie Th.D., lector Th., Dr Thomas Stafford LL.D., Mr. Robert Almond, Mr. Manwaring Hammond, Mr. John Rogers, Mr Richard Strickland, Mr Henry Dobson, Mr James Baylie, Mr John Davies, Mr Francis Bagshaw, Mr James Fayrer, Mr Joseph Harwar [or Hawworth], Mr Thomas Bateman, Mr George Hunt, Mr William Cradock, Mr John Guilman, Mr George Fulham, Mr Charles Peniston, Mr Robert Hyde, Mr Edward Yerbury, Mr Henry Holden, Mr Stephen Weekes, fellowes of the said College have been guiltie of disobedience to his majestie's commands and obstinately contemned his royall authoritie and doth still perversely go on in the same, wee have thought fit upon mature consideration thereof to declare pronounce and decree that the fellowes of the said College be expelled and deprived of their fellowships, and accordingly we do deprive and expell them from the same. Given under our seals. 16 Nov. 1687.”

¹ The Commissioners insisted, however, on his re-installation.

[(b) The visit of James II to Oxford, 1687, and the appointment of Parker to the Presidentship of Magdalen College. Autobiography of Dr. George Clarke. H.M.C.R., Leyborne-Popham MSS., p. 259.]

In the year 1687 King James came from Holywell to Oxford, and I was one of the Masters of Arts who rode out to meet him. . . . The next morning I went to his levée at Christ church. . . . The king seeing me in a gown, asked me what college I was of, and upon my saying All Souls he told me that we held our lands by praying for souls. I endeavoured to set His Majesty right by assuring him there was no such thing in our charter. . . . His Majesty answered in a little heat that he had it from our visitor, Archbishop Sheldon, who ought to know. . . . Before the king left Oxford he sent for the members of Magdalen College and chid them severely for not obeying him in the choice of a President. The king put himself into so great passion that he changed colour and faltered in his speech, but Lord Sunderland stood by his elbow with much sedate malice in his face; the gentlemen of Magdalen were all the while on their knees. . . .

[At the house of Dr. Wainwright Chancellor of Chester he met Dr. Cartwright Bishop of Chester.] This accident of meeting Bishop Cartwright put a difficulty upon me when he came to Oxford as commissioner to visit Magdalen College for . . . he asked me why the Gentlemen of the Church of England were so averse from complying with the King who meant to give them a better security than the Test and Penal Laws. Says he, Would not anyone who has a bond part with it for a judgment? and the King will give the Church a judgment for their security. Lord Chief Justice Wright, who was by, though one of the Commissioners, could not contain himself, but answered, My Lord, the Church of England has a statute which is better than a judgment, and would anybody part with a better

security for a worse? After this my old friend, Dr Parker, Bishop of Oxford, was put in possession of the Presidentship of Magdalen College. It was a pity that he ran into the measures of these times; he was a man of ambition.

[*(c)* The Diary of Bishop Cartwright, 1686-7. Camden Society.]

Oct. 21.

We went to Magd. Coll. . . .

Oct. 22.

Dr. Hough being called in . . . I told him, "Dr. here is a sentence under seal before us of the King's Commissioners for visiting the universities by which your election to the presidentship of Magd Coll is declared null and void. . . . This sentence . . . you have contemned and in contempt thereof you have kept possession of the lodgings and office to this day. . . . Are you yet willing . . . 1st, to submit to this sentence passed by the Lords upon you or not? 2ndly Will you deliver up the keys and lodgings, as, by a clause in your oath at your admission you are tied to do, for the use of the president, who has the kings letters mandatory to be admitted into that office?" . . .

Then the Dr. asked, "whether we acknowledged his title to the presidentship?" I replied "No, for we looked upon him as *malae fidei possessor*, or an intruder. [Upon the promise of Hough to retire, Dr. Cartwright told him to "act no more as president or pretended president of the College."]

Then we read the king's mandate for the Bishop of Oxon, and so adjourned . . . till 2 in the afternoon. . . . Dr. Hough came in with a crowd of followers and said, Whereas your Lordships have been pleased . . . to deprive me of the place of president of this College . . . I do hereby protest against the said proceedings and against all that you have done or hereafter shall do in prejudice of me and my right, as illegal, unjust and null; and I do hereby

appeal to our Sovereign Lord the King in his courts of justice. . . .

. . . I gave the Dr. this answer.

Doctor we look upon your appeal to be unreasonable . . . and not to be admitted by us. . . .

25th Oct.

We met at Magdalen, . . . and then said . . . "By virtue of the king's commission to us directed, we do order and decree the Right Reverend father in God, Samuel, Lord Bishop of Oxon, to be installed by his proxy Mr. Wickens in the president's stall in the chapel of this College forthwith. . . ."

We then propounded to the fellows this question, "Will you submit to the Bishop of Oxon, now installed your president by the king's mandate, *in licitis et honestis*?" . . . Then we sent for a smith, broke open the outward door of the president's lodgings, in the first room whereof we found all the keys, and left Mr. Wickens in quiet possession.

68.

[The Political Situation in March, 1688. "Diary of the Times of Charles II and Letters Illustrative of the Reign of James II," by Henry Sidney, 2 vols., ed. R. W. Blencowe (1843), ii. 263. The Princess Anne to the Princess of Orange, 13 March, 1687-8.]

You may remember I have once before ventured to tell you that I thought Lord Sunderland a very ill man and I am more confirmed every day in that opinion. Everybody knows how often this man turned backwards and forwards in the late king's time, and now, to complete all his virtues, he is working with all his might to bring in Popery. He is perpetually with the Priests and stirs up the King to do things faster than I believe he would of himself. Things are come to that pass now, that if they go on so much longer, I believe, in a little while, no Protestant will be able to live here.

[The acquittal of the Seven Bishops, 1688. J. S. Clarke, "Life of James II," vol. ii. pp. 162-4. For the Protest of the Bishops see *infra*, p. 123.]

The tryal of the Bisshops which happen'd a few days after the Prince's birth shew'd by the Great concours and clamorous comportment of the people, to what hight the discontent was risen, on the first day of the terme they were brought by habeas corpus to the king's bench bar to plead to an information of high misdemeanour ; there was some debate at first about the forme of their commitment, and the priviledg of Peerage, which the Bisshops Council pretended to exempt them from being committed for a misdemeanour and the ArchBisshop gave in a paper to the same effect, and that they could not, as the case stood, be compel'd to plead immediately, but those objections being overruled they pleaded not guilty, and then had till the twenty ninth of June to make their defence ; and when that day came there was a long contest at first about proveing their hands or that they were the publishers of the petition which at last upon My Lord Sunderland's evidence . . . put that out of dispute, they then proceeded to the question, whether criminal or no ? which brought on a long and learned debate even amongst the Judges themselves about the dispensing power, on which the whole depended ; for if the King was legally vested with it, his command was just, and their disobedience punishable ; accordingly the Chief Justice Wright, and Judg Allibon argued for it, and the other two, Powel and Holleway, as vehemently against it ; which latter it seems weighed most with the Jury, who after having set up all night, brought them in not guilty. As soon as the verdict was given there was such prodigious acclamations of joy, as seem'd to set the King's authority at defyance : it spread itself not only into the Citie but even unto Hounslo Heath, where

the Soldiers upon the news of it, gave up a great shout, tho' the King was then actually at dinner in the Camp . . . What gave his Majesty great disquiet was to see such industry used to inflame the multitude, and set the peoples heartes against him, and that this infection had spread itself even amongst those, from whom he expected his chief security, and that the Church partie, instead of obedience and duty which he had hoped for, and which he thought his protection justly merited, should be now the ringleaders of the faction, and that the Bishshops to highten the discontent should use all their little artifices to render his intentions suspected.

70.

[“ Evelyn’s Diary,” ii. 275, 10 June, 1688.]

A Young Prince born, which will cause disputes. About two o’clock we heard the Tower-ordnance discharged, and the bells ring for the birth of a Prince of Wales.

71.

[The invitation to William of Orange, 30 June, 1688. Dalrymple, i. App. pp. 228-31.]

The association signed only by seven, inviting the Prince of Orange over.

We have great satisfaction to find by 35 [Russell] . . . that your Highness is so ready and willing to give us such assistances as . . . [he has] related to us. We have great reason to believe, we shall be every day in a worse condition than we are and less able to defend ourselves. . . . The people are so generally dissatisfied with the present conduct of the government in relation to their religion, liberties, and properties (all of which have been greatly invaded) . . . that your Highness may be assured, there are nineteen parts out of twenty of the people . . . who would contribute to it, if, they had such a protection to

countenance their rising as would secure them from being destroyed before they could get to be in a posture able to defend themselves. . . . Much the greatest part of the . . . gentry are as much dissatisfied, . . . many of the officers [are] so discontented that they continue in their service only for a subsistence . . . and very many of the common soldiers do daily show such an aversion to the Popish religion, that there is the greatest probability imaginable of great numbers of deserters which would come from them, should there be such an occasion; and amongst the seamen, it is almost certain, there is not one in ten who would do them any service in such a war. . . . If upon a due consideration of all these circumstances, Your Highness shall think fit to adventure upon the attempt, . . . there must be no time lost, in letting us know your resolution concerning it, and in what time we may depend that all the preparations will be ready.

25	24	27	29	31
Shrewsbury.	Devonshire.	Danby.	Lumley.	Bishop of London.
	35	33		
	Russell.	Sydney.		

72.

[The arrival of William of Orange. The events of the last three months of the year 1688 have been described by a large number of contemporary writers; the chief sources of information are "The Ellis Correspondence," "The Clarendon Correspondence," "The Leyborne-Popham MSS. H.M.C.R.," and the "Ailesbury Memoirs." Miss Foxcroft's "Life of Halifax" is the standard modern work on the subject, and the footnotes contain valuable bibliographical information. (a) "Ellis Correspondence," ed. 1829, ii. 288, 317, Nos. 220, 228.]

10 Nov. 1688.

The Prince of Orange is at Exeter since yesterday 20,000 strong, he hath bespoke 10,000 pairs of shoes. The country is not fond of him.

23 Nov. 1688.

The army 27,000 strong, will be able to offer battle by Tuesday next on Salisbury Plain and our Imperial Monarch at the head of them, but the King's health is in a very ill state, with the fatigue of these preparations and the anguish of such a sort of people's going to the enemy; viz. we are well assured of the Earls Wilshire, Shrewsbury, Macclesfield, Lord Lorne, Mordant, Mr. Sydney etc.; we fear Earls Devon, Exeter, Radnor, Lord Lumley, Lovelace, Earl Manchester, Lord Grey, Rutland, with eighty gentlemen and a great number of the finest horses of England. . . .

[(b) "Clarendon Correspondence" (ed. Singer, 1828), vol. ii.]

8 Nov.

In the evening my brother [Laurence Hyde Earl of Rochester] was with me; the Bishops of St. Asaph and Peterborough came in. We had some discourse of the Lords spiritual and temporal joining in an address to the king for the calling of a Parliament.

11 Nov.

Lord Halifax told me he had had some discourse with some persons of the Lords spiritual and temporal joining in an address to the King as the only thing that could now be done to propose something that might prevent the shedding of blood: he asked me if I would join it; I said, with all my heart.

17 Nov.

. . . The Archbishop, and the rest of the Lords spiritual and temporal, . . . delivered the petition to the King with which his Majesty seemed not pleased and [said] that he would call a Parliament as soon as it was convenient but . . . not . . . whilst the invasion and rebellion lasted. . . .

30 Nov.

. . . Lord Halifax . . . told me the King had appointed

Lord Nottingham, Lord Godolphin and himself commissioners to go to the Prince of Orange in order to a Treaty, . . . he pretended not to be pleased with the employment. . . . I told Sir Henry Capell now that the writs were issued for a Parliament, and that a Proclamation was coming forth to allow all men to go to the counties, I resolved to go to Sarum and so to the Prince of Orange. . . . He said he would go with me.

73.

[The Flight of James II. "Evelyn's Diary," ii. 286.]

17 December.

That night was a Council; his Majesty refuses to assent to all the proposals; goes away again to Gravesend.

18 December.

I saw the King take barge to Gravesend, at twelve o'clock—a sad sight. The Prince comes to St. James's and fills Whitehall with Dutch guards. A Council of Peers meet about an expedient to call a Parliament and adjourn the House of Lords. The Chancellor, Earl of Peterborough, and others taken. The Earl of Sunderland flies; Sir Edward Hales, Walker, and others taken and secured. All the world goes to see the Prince at St. James's where there is a great court. He is stately, serious, and reserved.

24 December.

The King passes into France whither the Queen and child were gone a few days before.

BOOK II. CONSTITUTIONAL HISTORY.

A. THE KING AND THE PRIVY COUNCIL.

1.

[For the organization of the Council and the establishment of Select Committees see "English Historical Review," xxvii. 251. P.C.R., liv. 7.]

June 1, 1660.

At a Council at Whitehall.

Present.

Ld Chancellor	Earl of Berkshire
Earl of Northumberland	Mr Sec ^y Nicholas
Earl of Leicester	Mr Arthur Annesley.
Lord Viscount Say and Seale	Sir Anthony Ashley Cooper.
Lord Culpeper	
Mr. Sec ^y . Morrice.	

. . . [New Members sworn Privy Councillors.] . . .

It is this day ordered by their lordships that the Council doe sitt every weeke on Wednesdays and Fridays at 3 of the clocke in the afternoone to consult of his Majesties affaires.

It is ordered that the clerke of the Counsell doe present unto their Lordships the orders to be observed in assembles of Counsell to be read at their next sitting in Counsell.

2.

[The King's power after the Restoration. (a) The grant of tonnage and poundage to the king for life marks the height of the royal power at the Restoration; the grant was coupled with a new Book of Rates and the Act of Parliament received the name of "The Great Statute." A "Subsidy granted to the King of Tonnage and Poundage and other summes of money payable upon Merchandize Imported and Exported." S.R., 12 Car. II, c. 4 (1660).]

The Commons assembled in Parliament reposing trust and confidence in Your Majesty in and for the guarding and defending of the seas against all persons intending . . . the disturbance of your said Commons in the Intercourse of Trade and the invading of this your Realme, for the better defraying the necessary expenses thereof . . . Doe by the advice and consent of the lords in this your Present Parliament assembled, . . . Give and grant unto you our Supream Leige Lord and Sovereigne One Subsidy called Tonnage, that is to say of every Ton of wine of the Growth of France . . . that shall come into the Port of London . . . by way of merchandize by your natural borne subjects the summe of Fower Pounds and ten shillings of currant English money . . . and by strangers and aliens Six pounds of like money. . . .

And alsoe one other subsidy called Poundage, that is to say of all manner of goods and merchandize of every Merchant, Natural Borne Subject Denizen and Alien to bee carryd out of this realme or any other your Majesties Dominions to the same belonging to be brought into the same by way of merchandize of the value of every twenty shillings of the same goods and merchandize according to the severall and particular rates and valewes of the same goods and merchandices as the same are . . . rated . . . in the Book of Rates hereinafter mentioned . . . twelve pence and soe after that rate . . .

III. And further we . . . doe give and grant unto you

our said Leige Lord and Sovereigne for the causes aforesaid One other Subsidy that is to say Of and for every short Woollen Cloth to be exported by your naturall borne subjects of this your Realme and the Dominions thereof, called Broad Cloth not exceeding twenty eight yards in length and three score and fower pounds in weight, the summe of three shillings and fower pence. [Cloth that is of greater length and weight to be rated proportionably higher.] To have and hold take enjoy and perceive the Subsidies aforesaid and every of them . . . unto your Majesty from the Fower and twentieth day of June inclusively in the twelfth day of your Majesties Reigne for and during Your Majesties life which God long preserve. . . .

[(b) The Hereditary Excise. See Grant Robertson, "Select Statutes, etc.," pp. 13-8, for details regarding the abolition of feudal revenues and the grant to the King of the hereditary excise or a revenue derived from duties on beer, etc. "An Act for Taking away the Court of Wards and Liveries and Tenures in Capite and by Knights Service and Purveyance, and for settling a Revenue upon His Majesty in lieu thereof." S.R., 12 Car. II, c. 24 (1660).]

I. Bee it therefore enacted . . . that the Court of Wards and Liveries and all Wardships Liveries Primer-Seisins and Ouster le Mains values and forfeitures of marriage by reason of any tenure of The Kings Majesty or of any other by knights service and all meane Rates and all other Gifts Grants Charges Incident or ariseing for or by reason of Wardships Liveries Primer-Seisin or Ouster le Main be taken away and discharged. [Clauses following give details of this abolition.]

XIV. And now to the intent . . . that His Majesty and successors may receive a full and ample Recompense and Satisfaction as well for the Profits of the said Court of Wards and the Tenures Wardships Liveries Primer-Seizins, Ouster-le-Mains and other the Premises

and Perquisits incident thereunto . . . Bee it therefore enacted. . . . That there shall be paid unto the King's Majestie His Heires and Successors for ever hereafter in recompense as aforesaid, the severall Rates, Impositions Duties and Charge herein after expressed and in forme following. . . .

. . . For every Barrell of Beere or Ale above six shillings
. . . one shilling three pence 1. 3.

For every Barrell of Beere commonly called vinegar beere
. . . six pence 6.

For every gallon of coffee made . . . fower pence 4.

For every gallon of chocolate Sherbet or Tea made and sold to be paid by the maker thereof . . . eight pence 8.

[(c) Parliament in this "Act to preserve the King," expressed the highest loyalty to the King, but did not fail to assert the rights of the subject and the ancient privilege of free speech possessed by both Houses. "An Act for the Safety and Preservation of His Majesties Person and Government against Treasonable and Seditious Practices and Attempts." S.R., 13 Car. II, c. 1 (1661).]

The Lords and Commons assembled in Parliament . . . do in all thankfulness acknowledge Your Majesties incomparable Grace and Goodness to Your People in Your Free and Generall Pardon Indempnity and Oblivion . . . which unexampled Piety and Clemency of Your Majesty hath enflamed the hearts of us Your Subjects with an ardent desire . . . [to prevent] all Treasonable and Seditious Practices . . . because the Growth of the late troubles and disorders did in a very great measure proceed from the multitude of Seditious Sermons Pamphlets and Speeches dayly preached printed and published . . . , wee therefore . . . beseech your most excellent Majesty that it may be enacted . . . That if any person . . . [after June 24, 1661] shall within the Realme or without compass imagine invent devise or intend death or destruccon or any bodily

harm tending to death or destruccion or wounding imprisonment or restraint of the Person of the same our Sovereign Lord the King or to deprive or depose him from the Stile Honour or Kingly Name of the Imperiall Crowne of this Realme or of any other His Maties Dominions or Countreys or to levy war against His Majestie within this Realme or without or to move or stir any Foreiner or Strangers with force to invade this Realme . . . And such Compassings Imaginations Inventions Devices or Intentions or any of them shall express utter or declare by any Printing Writing Preaching or Malicious and advised speaking being legally convicted thereof upon the Oaths of two lawful . . . Witnesses . . . shall be adjudged to be Traitors and shall suffer pains of death and alsoe loose and forfeit as in cases of High Treason.

V. Provided always and be it enacted that no . . . persons shall be indicted arraigned convicted or attainted for any of the treasons or offences aforesaid unless the same . . . offenders be thereof accused by the testimony . . . of two lawful and credible witnesses upon oath.

VI. Provided likewise and be it enacted that this Act shall not extend to deprive either of the houses of parliament or any of their members of their just and ancient freedom and privilege of debating any matters of business which shall be propounded or debated in either of the said houses, . . . but that the said members of either of the said houses . . . shall have the same freedom of speech and all other privileges whatsoever, as they had before the making of this Act.

[*(d)* The Militia Act. "An Act declaring the sole Right of the Militia to be in the King and for the present ordering and disposing the same." S.R., 13 Car. II, c. 6 (1661).]

Forasmuch as within all His Majesties Realmes and Dominions the sole supreme Government Command and

Disposition of the Militia and of all Forces by Sea and Land and of all Forts and Places of strength is and by the Lawes of England ever was the undoubted Right of His Majesty and His Royall Predecessors Kings and Queenes of England and that both or either of the Houses of Parliament cannot nor ought to pretend to the same nor can nor lawfully may raise or leavy any Warr Offensive or Defensive against His Majesty His Heires or lawfull successors and yet the contrary thereof hath of late yeares been practised almost to the Ruine and Destruction of this Kingdome and during the late Usurped Government many evill and rebellious Principles have beene distilled into the minds of the People of this Kingdome which unlesse p'vented may breake forth to the disturbance of the Peace and Quiet thereof and whereas An Act is under Consideration for exercising the Militia with most safety and ease to the King and His People which Act cannot as yet be perfected, Be it therefore Enacted by the Kings most Excellent Majesty by and with the Advice and Consent of the Lords and Commons Assembled in Parliament That the Militia and Land Forces of this Kingdome and of the Dominion of Wales and Towne of Berwicke upon Tweed now under the power of Lieutenants or their Deputies shall be exercised ordered and managed untill the five and twentieth day of March next ensuing in such manner as the same now is actually exercised ordered and managed according to such Commissions and Instructions as they formerly have or from time to time shall receive from His Majesty.

3.

[The Privy Council of 1679. For a detailed account see "Engl. Hist. Rev.," xxvii. 684. P.C.R., lxviii. 1, 21 April, 1679.]

His Majesty having caused the Privy Council to meet yesterday Extraord. was then pleased to order the Lord

Chancellour of England to Read to them the following Declaration.

My Lords,

His Maty hath called you together at this time to communicate unto you a Resolution He hath taken in a matter of great Importance to his Crowne and Government, and w^{ch} He hopes will prove of advantage to his Kingdom in all affaires hereafter both at home and abroad.

In the first place His Maty gives you all Thanks for your service to Him and for all the good advices you have given Him w^{ch} might have been more frequent if the great number of this Councill had not made it unfit for the . . . secrecy and Dispatch that are necessary in many great affaires. This forced him to use a smaller number of you in a forreigne committee¹ . . . for many years past. Hee is sorry for the ill success He has found in this course, and sensible of the ill posture of affaires from that and unhappy incidents w^{ch} have raised great jealousyes . . . among his good subjects and thereby left the crowne and government in a condition too weake for those dangers which we have reason to feare both at home and abroad.

These his Maty hopes may yet be prevented by a course of wise and steady Councills for the future. . . . [A new Council to be formed.] Now for the greater dignity of this Councill His Maty resolves their constant number shall be limitted to that of thirty, and for greater authoritie there shall be fiveteen of His Chiefe Officers, who shall be Privy Councillors by their places, and for the other fiveteen, He will choose ten out of the severall Ranks of the nobility and five Commoners of the Realme. . . .

In the first place therefore and to take care of the Church, His Maty will have the Archbishop of Canterbury

¹ Formed 13 June, 1660.

and Bishop of London for the time being, and to informe him well in what concerns the Lawes, the Lord Chancellour, and one of the Lord Chief Justices, for the Navy and Stores wherein consists the chief strength and safety of the kingdom, the Admiral and Master of the Ordnance, For the Treasury, The Treasurer, and Chancellour of the Exchequer, or if these offices are in commission, then the first commissioners to serve here in their room. The rest of the fiveteen shall be the Lord Privy Seale, the Master of the Horse, Lord Steward, and Lord Chamberlain of the Household, the Groom of the Stole, and the two Secretaries of State, and these shall be all the offices of the Kingdom to which the dignity of Privy Councillor shall be annexed.

[Dissolution of the present Privy Council. List of new Privy Councillors—Prince Rupert, Archbishop of Canterbury, Earl of Shaftesbury (Lord President of the Council, name struck out on October 15th 1679) Earl of Anglesey Lord Privy Seal, Duke of Albemarle, Duke of Monmouth Master of the Horse, Duke of Newcastle, Duke of Lauderdale Secretary of State for Scotland, Duke of Ormonde Lord Steward of the Household, Marquess of Winchester, Marquess of Worcester, Earl of Arlington Lord Chamberlain, Earl of Salisbury, Earl of Bridgwater, Earl of Sunderland Secretary of State, Earl of Essex Lord Commissioner of the Treasury, Earl of Bath Groom of the Stole, Viscount Fauconberge, Viscount Halifax, the Bishop of London, Lord Roberts (later Earl of Radnor President of the Council 24 October 1679) Lord Holles, Lord Cavendish, Henry Coventry Secretary of State, Sir Francis North, Sir Henry Capell 1st Commissioner of the Admiralty, Sir J. Ernle Chancellor of the Exchequer, Sir Thomas Chicheley Master of the Ordnance, Sir William Temple,¹ Edward Seymour, Henry Powle.

¹ The author of the scheme. See Temple's "Memoirs," ii. p. 493.

Later members Henry Earl of Clarendon 26 May 1680, Laurence Hyde 19 November 1679, Daniel Finch and Sidney Godolphin 4 Feb. 1679-80, and Sir Leoline Jenkins, 11 February 1679-80.]

His Maty was also pleased to declare that he would have all his affaires debated freely of what kind soever they were and absolutely secretly. His Maty was also pleased to declare that he would communicate this alteration of the Council unto both houses of Parliament.

4.

[The case of *Godden v. Hales* illustrates the attitude taken by the judicial bench to James II's claim to dispense with the penal laws and appoint a Roman Catholic officer, "Colonel" Hales. S.T., ix. 1166 (1686).]

The defendant [Hales] pleads that the King . . . by his letters patent did dispense with, pardon, remit and discharge (among others) the defendant from taking the said oaths, and from receiving the Sacrament, and from subscribing the declaration against transubstantiation or tests in the act of 25 Car. 2 for preventing dangers from Popish recusants, or in any other act, and from all crimes, convictions, penalties, forfeitures, damages, disabilities by him incurred by his exercising the office of Colonel. . . .

[*Ibid.*, p. 1195, The Speech of Lord Chief Justice Herbert.]

As to the second point, whether the king can dispense with the act or no, I think it a question of little difficulty. There is no law whatsoever but can be dispensed with by the supreme lawgiver . . . so likewise the law of man may be dispensed with by the legislator. . . .

On Monday the 21st of June after having consulted with all the judges, his lordship delivered their opinions in open court, thus:

. . . The King may dispense in this case, and the judges go upon these grounds ;

1. That the Kings of England are sovereign princes.
2. That the laws of England are the King's laws.
3. That therefore it is an inseparable prerogative in the Kings of England to dispense with penal laws in particular cases and upon particular necessary reasons.
4. That of these reasons . . . the King is sole judge. . . .
5. That this is not a trust invested in or granted to the King by the people, but the ancient remains of the sovereign power and prerogative of the Kings of England ; which never yet was taken from them, nor can be.

B. PARLIAMENT.

1.

[The Convention legalizes its own existence. "An Act for removing and preventing all Questions and Disputes concerning the Assembling and Sitting of this Present Parliament." S.R., 12 Car. II, c. 1 (1660).]

For the preventing of Doubts and Scruples concerning the Assembling Sitting and Proceeding of this present Parliament Bee it Declared and Enacted and it is Declared and Enacted by the King Our Sovereigne Lord, and by the Lords and Commons in Parliament assembled and by Authoritie of the same That the Parliament begun and holden at Westminster the third day of November in the sixteenth yeare of the Raigne of the late King Charles of Blessed Memory [1640] is fully dissolved and determined ; And that the lords and commons now sitting at Westminster in this present Parliament are the two houses of Parliament and soe shalbe, and are hereby Declared and Enacted and Adjudged to be to all Intents Constructions and Purposes whatsoever, notwithstanding any want of the King's Majesties Writt or Writts of Summons or any Defect or Alteration of or in any Writt or Writts of Summons or

any other Defect or Default whatsoever; as if this Parliament had beene summoned by Writt or Writts in His Majesties name according to the usuall Forme, and as if his Majestie had beene present in person at the Assembling and Commencement of this present Parliament. Provided alwaies That this present Parliament may be dissolved by His Majestie after the usuall manner as if the same had beene summoned by Writt or Writts in His Majesties name.

2.

[The Triennial Act. "An Act for the Assembling and holding of Parliaments once in three years at the least, and for the repeale of the Act intituled An Act for the preventing of Inconveniencies happening by the long intermission of Parliaments." S.R., 16 Car. II, c. 1 (1664).]

[Preamble (after repealing 16 Car. I, c. 1.) discusses the importance of frequent Parliaments.]

The Lords Spiritual and Temporall and the Commons [etc.] . . . doe most humbly beseech Your Most Excellent Majestie that it may bee declared and enacted and bee it declared and enacted that hereafter the sitting and holding of Parliaments shall not be . . . discontinued afore three yeares at the most, but that within three yeares from and after the determination of this present Parliament and . . . of any other Parliament . . . Your Majestie Your Heires and Successors doe Issue out Your Writts for calling Assembling and Holding of another Parliament to the end there may be a frequent calling assembling and holding of Parliaments once in three yeares at the least.

3.

[The Appropriation of Supplies for the Dutch War. This Act was intended to deprive the King and Council of the right to control expenditure. "An Act for Granting the summe of Twelve hundred and fiftie thousand pounds to the Kings Majestie for His present further supply." S.R., 17 Car. II, c. 1 (1665).]

[Clauses I-III give details about the raising of the supply from the different counties and the execution of the Act by nominated Commissioners.]

IV. And bee it further enacted that the severall Cōmissērs shall meete together at the most usuall and cōmon place of meeting as in the said Act is directed . . . at least three weekes before each quarterly payment for the severall assessments for the purposes aforesaid [i.e. for the "Warre against the States of the United Provinces for the necessary Defence of Your owne Crowne and Dignitie and the Safetie and Welfare of Your own People," Cl. I].

V. And to the intent that all Moneyes to be lent to Your Majesty and Moneyes that shall be due upon such Contracts for Wares and Goods which shall be delivered for this service may be well and sufficiently secured out of the moneyes ariseing and payable by this Act, Bee it further enacted by the Authoritie aforesaid That there be provided and kepte in his Majestyes Exchequer (to witt) in the Office of the Auditor of the Receipt one Booke or Register in which Booke or Register all Moneyes that shall be paid into the Exchequer by this Act shall be entred and registred apart and distinct from the Moneyes paid or payable to Your Majestie on the before mentioned Act and from all other Moneyes or Branches of Your Majesties Revenue whatsoever and that alsoe there be one other Booke or Registry provided or kepte in the said Office of all Orders and Warrants to be made . . . for payment of all and every Summe and Summes of money

to all persons for moneyes lent Wares or Goods bought or other payments directed by His Majestie relateing to the service of this Warr And that noe moneyes leavyable by this Act be issued out of the Exchequer dureing this Warr but by such Order or Warrant mentioning that the moneyes payable by such Order or Warrant are for the service of Your Majestie in the said Warr respectively.

4.

[The Case of *Skinner v. The East India Company*. S.T., vi. 710. Resolutions of the House of Commons. 7 December, 1669.]

1. That it is the interest and right of every Commoner of England to present petitions to the House of Commons, in case of grievance.

2. That it is the right of the House to determine how such petitions are fit or unfit to be received.

3. That no Court has power to censure a petition to the House of Commons unless transmitted from thence.

4. Whereas a petition by the Governor and Company of Merchants trading to East India was presented to the House of Commons . . . which the Lords have censured, under the notion of a scandalous paper or libel, the said censure and proceeding of the Lords . . . are contrary to and in Subversion of the Rights and Privileges of the House of Commons, and Liberties of the Commons of England.

5. That the continuance upon record of the judgment given by the Lords . . . in the case of *Skinner* and the East India Company is prejudicial to the Rights of the Commons of England.

6. Also upon a further report from the same committee [of the House of Commons] the House of Commons resolved . . . That the Lords should be desired to vacate their judgment . . . against the East India Company.

5.

[The Lords assert their right to hear appeals from the Court of Chancery. The Case of Shirley v. Fagg, 1675. L.J., xii. 695 (17 May, 1675).]

The Lords do declare, That it is the undoubted right of the Lords in Judicature, to receive and determine, in Time of Parliament, Appeals from Inferior Courts though a member of either House be concerned therein, that there may be no failure of Justice in the Land, and from this Right and the Exercise thereof, the Lords will not depart.

6.

[The Test Act. See Porritt, "Unreformed House of Commons," i. 137-8. "An Act for the more effectually preserving the Kings Person and Government by disabling Papists from sitting in either House of Parliament." S.R., 30 Car. II, stat. 2, c. 1 (1678).]

Forasmuch as diverse good Lawes have beene made for preventing the Increase and Danger of Popery in this Kingdome, which have not had the desired effects by reason of the free accesse which Popish Recusants have had to His Majestyes Court and by reason of the Liberty which of late some of the Recusants have had and taken to sitt and vote in Parliament. Wherefore and for the Safety of His Majestyes Royall Person and Government Bee it enacted by the Kings most Excellent Majestie by and with the Advice and Consent of the Lords Spirituall and Temporall and of the Commons in this present Parliament assembled and by the Authoritie of the same That from and after the First Day of December which shall be in the yeare of our Lord God one thousand six hundred seaventy and eight noe person that now is or hereafter shall be a Peere of this Realme or Member of the said House of Peeres, Nor any person that now is or hereafter shall be a Member of the House of Commons shall vote in

the House of Commons or sitt there during any Debate in the said House of Commons after their Speaker is chosen untill such Peere or Member shall from time to time respectively and in manner following first take the severall Oathes of Allegiance and Supremacy and make subscribe and audibly repeat this Declaration following ;

I A. B. doe solemnly and sincerely in the presence of God professe testifie and declare That I doe believe that in the Sacrament of the Lords Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ at or after the Consecration thereof by any person whatsoever ; And that the Invocation or Adoration of the Virgin Mary or any other Saint, and the sacrifice of the Mass as they are now used in the Church of Rome are superstitious and idolatrous. . . . [Peers and Members of the House of Commons to make and subscribe the oath between 9 a.m. and 4 p.m. in their respective Houses of Parliament " whilst a full House is there with their Speaker in his Chaire."]

XI. Provided always that nothing in this Act contained shall extend to His Royall Highnesse the Duke of Yorke.

C. THE LIBERTY OF THE SUBJECT.

1.

["An Act of Free and Generall Pardon, Indempnity, and Oblivion."
S.R., 12 Car. II, c. 11 (1660).]

The Kings Most Excellent Majesty . . . out of a hearty . . . desire to put an end to all suites and controversies that by occasion of the late Distractions have arisen . . . betweene all His Subjects, And to the Intent that noe crime committed against His Majesty or His Royall Father shall hereafter rise in Judgement or be brought in question against any of them to the least endamagement of them either in their Lives Liberties Estates or to the prejudice of their Reputations, . . . Is pleased that it may be En-

acted and Bee it Enacted [That Treason and other Offences committed since January 1st 1637] be Pardoned, Released, Indempnified, Discharged and put in utter oblivion.

II. [Abettors of such Treason and other crimes pardoned and restored to their Lands.]

V. And it is further . . . enacted . . . That all . . . the subjects of these his Majestyes Realmes [i.e. England, Ireland, Wales, Jersey, Guernsey, Berwicke and other his Majesties Dominions] and their Heirs and Executors shall be and are . . . Acquitted Pardoned Released Indempnified and Discharged against the King's Majestie His Heirs and Successors . . . from all Treasons [and other offences] Arrearages of Rents [other than the Arrearages of Rents due from the late Farmer of the Customes . . .] and . . . from all arrearages of Tenths . . . and paines of death . . . which may be pardoned . . . by his Majesty before [24th June 1660].

[Clauses 34-41 contained exceptions which include Oliver Cromwell, Henry Ireton, John Bradshaw, and Thomas Pride, all deceased, also Sir Arthur Haselrig, Sir Henry Vane, John Lambert and others.]

2.

[The Licensing Act, which was passed in 1662 continued in force until 1679, when it lapsed until 1685 ; hence the last six years of Charles II's reign saw the printing of a large number of seditious pamphlets. "An Act for preventing the frequent Abuses in printing seditious treasonable and unlicensed Books and Pamphlets and for regulating of Printing and Printing Presses." S.R., 14 Car. II, c. 33.]

Whereas the well-government and regulating of Printers and Printing Presses is matter of Publique care . . . especially considering that by the general licentiousness of the late times many evil disposed persons have been encouraged to print and sell heretical schismatical . . . and treasonable Bookes Pamphlets and Papers. . . . For

prevention whereof no surer means can be advised then by reducing . . . the number of Printing Presses and by ordering and settling the said Art or mystery of Printing by Act of Parliament in manner as herein after is expressed. The Kings most Excellent Majesty by and with the consent and Advice of the Lords Spiritual and Temporal and Commons in this present Parliament assembled doth therefore ordaine and enact. And be it therefore ordained and enacted by the Authority aforesaid, That no person or persons whatsoever shall presume to print or cause to be printed either within this Realm of England or any other His Majesties Dominions or in the parts beyond the Seas any heretical seditious schismatical or offensive Bookes or Pamphlets wherein any Doctrine or Opinion shall be asserted . . . which is contrary to Christian Faith or the Doctrine or Discipline of the Church of England . . . nor shall import publish sell or dispose any such Booke or Bookes or Pamphlets nor shall cause or procure any such to be published or put to sale or to be bound stitched or sowed together.

And bee it further enacted . . . That no priavte person or persons . . . Shall att any time hereafter print or cause to be printed any Booke or Pamphlet whatsoever unlesse the same Booke and Pamphlet together with all and every the Titles Epistles Prefaces Proems Preambles Introductions Tables Dedications and other matters and things thereto annexed be first entred in the Booke of the Register of the Company of Stationers of London. . . .

[Licensers to be appointed.] . . . Upon the said Copy licensed to be imprinted he or they who shall so license the same shall testifie under his or their hand or hands that there is not anything in the same contained that is contrary to Christian Faith or the Doctrine or Discipline of the Church of England or against the State or Government of this Realme or contrary to Good life or Good

manners or otherwise as the nature and subject of the worke shall require which license or approbation shall be printed in the beginning of the same booke with the Name or Names of him or them that shall authorize or license the same for a Testimony of the allowance thereof.

3.

[Case of the Imprisonment of Edward Bushell for alleged misconduct as a juryman. S.T., vi. 999 (1670).]

The prisoner being a juryman, among others charged at the Sessions Court of the Old Bailey to try the issue between the King and Penn and Mead upon an indictment, for assembling unlawfully and tumultuously, did *contra plenam et manifestam evidentiā* openly given in court acquit the prisoners indicted, in contempt of the king. . . .

. . . [Verdict of the Judge.] . . . This return charging the prisoners to have acquitted Penn and Mead, against full and manifest evidence . . . is no cause of fine or imprisonment . . . That the court could not fine a jury at the common law, where attaind did not lie . . . I think to be the clearest position that ever I considered. . . . The reasons are, I conceive most clear, that the judge could not nor can fine and imprison the jury in such cases.

Without a fact agreed, it is impossible for a judge . . . to know the law relating to the fact. . . . Hence it follows that the judge can never direct what the law is in any matter controverted without first knowing the fact; and then it follows that without his previous knowledge of the fact, the jury cannot go against his direction in the law for he could not direct.

But the judge, *quā* judge, cannot know the fact but from the evidence which the jury have, but . . . he can never know what evidence the jury have, and consequently he cannot know the matter of fact, nor punish the jury

for going against their evidence, when he cannot know what their evidence is. . . .

. . . [Quoting from Bradshaw and Salomon's Case.] . . . The Jury could not be punished by information for the excessive damages, but only by attaint, therefore not for their false verdict, without some other misdemeanour. . . . Nor can any man shew . . . That a jury was ever punished upon an information, either in law or in Star Chamber, where the charge was only for finding against their evidence, or giving an untrue verdict, . . .

[Quoting from Wagstaff's Case.]

All the judges having resolved, That finding against the evidence in Court is no sufficient cause to fine. . . .

The Chief Justice delivered the Opinion of the Court and accordingly the Prisoners were discharged.

4.

[The Habeas Corpus Act. See Grant Robertson, "Select Statutes, etc.," p. 92, for a discussion of the Act and for a list of the chief authorities to be referred to on the subject. "An Act for the better securing the Liberty of the Subject and for Prevention of Imprisonments beyond the Seas." S.R., 31 Car. II, c. 2 (1679).]

Whereas great Delayes have beene used by Sheriffes Gaolers and other officers to whose Custody any of the Kings Subjects have been committed for criminal matters in making Returnes for Writts of Habeas Corpus to them directed by standing out an Alias and Pluries Habeas Corpus . . . to avoid their yielding obedience to such Writts contrary to their Duty and the knowne lawes of the Land whereby many of the kings subjects have beene . . . detained in prison in such cases where by law they are baylable . . . For the Prevention thereof bee it enacted by the King [etc.] That whensoever any Person or Persons shall bring any Habeas Corpus directed into any Sheriffe,

. . . Gaoler [etc.] for any person in his Custody and the said Writt shall be served upon the said Officer or left at the Gaole or Prison with any of the Under Officers Underkeepers or Deputy of the said Officers or Keepers that the said Officer or Officers his or their Under Officers Under Keepers or Deputyes Shall within Three dayes after the Service thereof as aforesaid . . . bring or cause to be brought the Body of the Partie soe committed or restrained unto or before the Lord Chancellor or Lord Keeper of the Great Seale of England for the time being or the Judges or Barons of the said Court from whence the said Writt shall issue or unto and before such other person and persons before whome the said Writt is made returnable according to the Command thereof, and shall likewise then certifie the true causes of his Detainer or Imprisonment unlesse the committment of the said Partie be in any place beyond the distance of twenty miles from the place or places where such Court or Person is or shall be residing and if beyond the distance of Twenty miles and not above One hundred miles then within the space of Ten dayes and if beyond the distance of One hundred miles then within the space of Twenty dayes after such delivery aforesaid and not longer.

XI. And for preventing illegal Imprisonments in Prisons beyond the Seas bee it further enacted by the Authoritie aforesaid that noe Subject of this Realme that now is or hereafter shall be an Inhabitant or Resiant of this Kingdome of England Dominion of Wales or Towne of Berwicke upon Tweede shall or may be sent Prisoner into Scotland Ireland Jersey Gaurnsey Tangier or into any Parts Garrisons Islands or Places beyond the Seas which are or at any time hereafter shall be within or without the Dominions of His Majestie His Heires or Successors and that every such Imprisonment is hereby enacted and adjudged to be illegal.

D. POLITICAL THEORY.

I.

[Royalist Principles as enunciated by Sir R. Filmer. 1680. (a) "The Power of Kings, and in Particular, Of the King of England."]

If the king should be subject unto the Assemblies and Decrees of the People, he should neither be King nor Sovereign, and the Commonwealth neither Realme nor Monarchy; but a meer Aristocracy of many Lords in Power equal, where the Greater part commandeth the less; and whereon the Laws are not published in the Name of him that Ruleth, but in the Name and Authority of the Estates; as in an Aristocratical Seignory, where he that is Chief has no Power, but oweth Obeisance to the Seignory; unto whom yet they every one feign themselves to owe their Faith and Obedience: which are all things so absurd as hard it is to see which is further from Reason. . . . We see the principal Point of Sovereign Majesty and Absolute Power to consist principally in giving Laws unto the Subjects without their consent. It behoveth, that the Sovereign Prince should have the laws in his power to change and amend them according as occasion shall require. . . .

[(b) "Patriarcha or the Natural Power of Kings," chap. iii. (1680).]

Positive Laws do not infringe upon the natural and Fatherly Power of kings. . . . There can be no Laws without a Supreme Power to command and make them. In all Aristocracies the Nobles are above the Laws and in all Democracies the People. By the like Reason, in a monarchy the King must of necessity be above the Laws; there can be no Sovereign Majesty in him that is under them; that which giveth the very Being to a king, is the Power to give Laws, without this Power he is an equivocal King.

2.

[Revolutionary Principles. "Discourses concerning Government,"
by Algernon Sidney, p. 1 (1680).]

Having lately seen a Book intituled Patriarcha written by Sir Robert Filmer, concerning the universal and undistinguished Right of all kings I thought a time of leisure might well be employed in examining this doctrine and the questions arising from it. . . .

[P. 348, chap. iii. sec. 21.]

. . . Nothing can be more absurd than to say that one man has an absolute power above Law to govern according to his will, "for the Peoples good and the preservation of their Liberty:" For no Liberty can subsist where there is such a Power; and we have no other way of distinguishing between free nations and such as are not so, than that the free are governed by their own Laws and Magistrates according to their own mind and that the others either have willingly subjected themselves or are by force brought under the power of one or more men to be ruled according to his particular pleasure. . . .

But, says our author, there can be no Law where there is not a Supreme Power, and from thence very strongly concludes it must be in the king, "for otherwise there can be no Sovereign Majesty in him." This might have bin of some force if Governments were established and Laws made only to advance that Sovereign Majesty, but nothing at all to the purpose if (as he confesses) the power which the Prince has, be given for the good of the People and for the defence of every private man's Life Liberty Lands and Goods, for that which is instituted cannot be abrogated for want of that which was never intended in the institution. . . .

England acknowledges no other Law than its own, and instead of receiving any from kings dos to this day obey

none but such as have bin made by our Ancestors or ourselves and never admitting any king that did not swear to obey them.¹

3.

[An Essay concerning the True, Original, Extent and End of Civil Government, being the second of "Two Treatises of Government," by John Locke (1694).]

Wherever Law ends, Tyranny begins, if the Law be transgressed to another's harm. And whosoever in Authority exceeds the power given him by the law, and makes use of the Force he has under his command, to compass that upon the Subject which the Law allows not; ceases in that to be a Magistrate and, acting without authority, may be opposed as any other man who by force invades the Right of another. . . .

Whenever the Legislators endeavour to take away or destroy the Property of the People, or to reduce them to slavery under Arbitrary Power, they put themselves into a State of War with the People, who are there upon absolved from any farther obedience. . . .

Whensoever therefore the Legislative shall transgress this fundamental Rule of Society; and either by Ambition, Fear, Folly or Corruption endeavour to grasp themselves or put into the hands of any other an Absolute power over the Lives, Liberties and Estates of the People: By this Breach of Trust, they forfeit the Power, the People had put into their hands for quite contrary ends, and it devolves to the People; who have a right to resume their original Liberty, and by the Establishment of a new Legislative . . . provide for their own Safety and Security, which is the end for which they are in Society. What I

¹ Such doctrines as these were held by many members of the House of Commons and were enunciated in their speeches during the Exclusion contest, 1678-80.

have said here, concerning the Legislative in General holds true also concerning the Supreme Executor, . . . who also acts contrary to his Trust, when he imployes the Force, Treasure and Offices of Society to corrupt the Representatives and gain them to his purposes ; when he openly pre-ingles the Electors, and prescribes to their choice, such, whom he has by Sollicitations, Threats, Promises, or otherwise won to his designs, and imployes them to bring in such who have promised beforehand what to vote and what to enact.

BOOK III. ECCLESIASTICAL HISTORY.

1.

[Charles II's Declaration of Indulgence or "The Worcester House Declaration" was published on 25 October, 1660. Its leading provisions had been revised by Baxter and other Presbyterians and had received the reluctant assent of the Chancellor. "Parl. Hist.," iv. 131.]

In our letter to the Speaker of the House of Commons from Breda, we declared how much we desired the advancement . . . of the Protestant Religion. . . . And . . . we published in our Declaration from Breda a liberty to tender consciences; and that no man should . . . be called in question for differences of opinion in matter of religion which do not disturb the peace of the kingdom, and that we shall be ready to consent to such an act of parliament as, upon mature deliberation, shall be offered to us for the full granting of that indulgence. . . .

1. We do in the first place declare our purpose and resolution is and shall be to promote the power of godliness. [Consequently provision is made for the service of the Church by Bishops, Deans and Chapters.]

7. We are very glad to find that all with whom we have conferred, do . . . approve a Liturgy to be lawful which . . . for the preservation of unity and uniformity we conceive to be very necessary. And though we do esteem the Liturgy of the Church of England contained in the Book of Common Prayer to be the best we have seen . . . yet since we find some exceptions made to against several things therein we will appoint an equal number of divines

of both persuasions to review the same and to make such alterations as shall be thought most necessary. . . . In the meantime we do heartily wish . . . that the ministers . . . would not totally lay aside the Book of Common Prayer . . . yet . . . our will and pleasure is that none be punished or troubled for not using it, until it be reviewed and effectually reformed as aforesaid. . . .

2.

[The following sentence describes the conflict between the Bishops and the Presbyterians at the Savoy Conference (25 March to 25 July, 1661). H.M.C.R., Duke of Sutherland MSS., v. p. 173.]

The fire between the Presbytery and the Episcopacy is not yet extinguished for Jack the Levite labours to confound Aaron the *de jure* priest, but God holds the balance and will do justice.

3.

[The Corporation Act. This act was aimed principally at the Presbyterians whose headquarters were in the towns; the act did not prevent the corporations from continuing to be Nonconformist strongholds, and thus in 1682 many lost their charters by writs of *quo warranto*. S.R., 13 Car. II, c. 1 (1661).]

Whereas questions are likely to arise concerning the validity of elections of Magistrates and other officers and members in Corporation. . . . Bee it enacted by the kings most excellent Majestie, by and with the Advice and consent of the Lords Spiritual and Temporall and Commons Assembled in Parliament. . . . That Commissioners shall before the twentieth day of February next be issued forth under the Great Seale of England unto such persons as His Majesty shall appoint for the executing the Powers and Authorities hereinafter expressed. And that all and every the persons to be named commissioners . . . shall by virtue of this Act be Commissioners respectively . . .

within the several Cities Corporations and Burroughs [etc.]. . . .

III. And be it further enacted . . . that all persons who upon [December 24th 1661] shall be Majors, Aldermen Recorders Bailiffes Towne-Clerkes Common Councelmen and other persons then bearing any Office or Offices of Magistracy or Places or Trusts or other Imployment relating to or concerning the Government of the said respective Cities Corporations and Burroughes [etc.] shall at any time before [March 25 1663] when they shall be required by the said Commissioners . . . take the Oathes of Allegiance and Supremacy and this Oath following:—I A. B. do declare and believe that it is not lawfull upon any pretence whatsoever to take Arms against the king. . . . So helpe me God. And also . . . this following Declaration . . . I A. B. do declare that I hold that there lyes no obligation upon me or any other person from the oath commonly called the Solemn League and Covenant and that the same was . . . an unlawfull Oath.

4.

["An Act for the Uniformity of Public Prayers and Administration of Sacraments and other Rites and Ceremonies and for Establishing the Form of Making, Ordaining and Consecrating Bishops, Priests and Deacons in the Church of England." S.R., 14 Car. II, c. 4 (1662). Under this Act of Uniformity 1,800 ministers were suspended from their livings.]

Bee it enacted by the king's most Excellent Majestie, By and with the Advice and consent of the Lords Spirituall and Temporall and of the Commons in this present Parliament Assembled, and by the Authority of the same, That all and singular Ministers in any Cathedrall, Collegiate or Parish Church or Chappell or other place of publique worship within this Realme of England Dominion of Wales or Town of Berwick-upon-Tweed, shall be bound

to say and use the Morning Prayer, Evening Prayer celebracōn and administracōn of both the sacraments and all other the Publique and Common Prayer in such order and forme as is mencōned in the Said Booke annexed and joined to this Present Act and entituled the Booke of Comōn Prayer¹ and Administration of the Sacraments and other Rites and Ceremonies of the Church according to the use of the Church of England together with the Psalter or Psalmes of David . . . and forme . . . of making ordaining and consecrating of Bishops, Preists and Deacons. [Morning and Evening Prayer to be read every "Lords day."]

III. And that all and every person who shall . . . neglect or refuse to doe the same within the time aforesaid [i.e. before St Bartholomew's Day 1662] shall be deprived of all his Spiritual Promotions.

5.

[In December, 1662, Charles II issued a Declaration of Indulgence ; Parliament, however, held too rigid a code to allow religious toleration to be extended to Nonconformists and petitioned the King to issue a Royal Proclamation against Papists. "Pepys' Diary," iii. 52-3.]

February 1662-3.

24th. Among other things my Lord tells me that he hears the Commons will not agree to the King's late Declaration, nor will yield that the Papists have any ground given them to raise themselves up again in England. . . .

25th. The Commons in Parliament, I hear, are very high to stand to the Act of Uniformity and will not indulge the Papists (which is endeavoured by the Court) nor the Presbyters.

26th. Sir W. Batten and I by water to the Parliament

¹ This Book of Common Prayer was the Book revised by Convocation in 1661, and accepted by Parliament 16 April, 1662.

House. . . . All the news is the great odds in the votes between them that are for the Indulgence to the Papists and Presbyters, and those that are against it, which did carry it by 200 against 30. And pretty it is to consider how the king would appear to be a Stiff Protestant and Son of the Church and yet willing to give liberty to these people because of his promise at Breda, and yet all the world do believe the King would not have the liberty given them at all.

6.

[The First Conventicle Act (1664) stands out as the culmination of the repressive religious policy of Clarendon, Sheldon and other members of the Restoration Parliament; it extended to the laity the persecutions hitherto endured only by the ministers. "An Act to prevent and suppress seditious Conventicles." S.R., 16 Car. II, c. 4.]

Be it enacted by the King's Most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporall and Commons in this present Parliament assembled, and by the Authoritie of the same, That if any person of the age of sixteen yeares or upwards being a subject of this Realme at any time after the first day of July which shall be in the yeare of our Lord one thousand six hundred and sixty and fower shall be present at any Assembly Conventicle or Meeting under Colour or pretence of any exercise of religion in other manner then is allowed by the Liturgy or practise of the Church of England in any place within the Kingdome of England, Dominion of Wales or Towne of Berwicke upon Tweede, at which Conventicle Meeting or Assembly there shall be five persons or more assembled together over and above those of the same Household, then it shall and may be lawfull to and for any two Justices of the Peace of the County Limit Division or Liberty wherein the aforesaid offence shall be committed . . . to make a Record of every

such offence or offences under their Hands and Seales respectively, which Record soe made as aforesaid shall to all intents and purposes be in Law taken and adjudged to be a full and perfect Conviction of every such Offender for such Offence, and thereupon the said Justices and Chiefe Magistrate respectively shall commit every such Offender soe convicted . . . to Goale.

[Penalty for first offence, 3 months' imprisonment or fine not exceeding £5. Penalty for second offence, six months' imprisonment or fine not exceeding £10.]

XIII. Provided also and be it enacted by the Authoritie aforesaid That the Justices of the Peace and Cheife Magistrate respectively impowered as aforesaid to putt this Act in execution shall and may with what aide force and assistance they shall think fitt for the better execution of this act after refusall or denyall enter into any House or other place where they shall be informed any such Conventicle as aforesaid is or shall be held.

7.

[The sufferings endured by the Nonconformists. The following extracts are taken from the autobiography of Oliver Heywood, a Nonconformist minister suspended from his living under the Act of Uniformity, 1662. O. Heywood, Works, vol. i.]

Just now I am cast out of Church assemblys by an excommunication published at Halifax Novemb. 2nd 1662 and were it just how formidable would that sentence bee . . . I had a call to preach at a place called Shaw Chapel in Lanc. which I willingly embraced and there preached Octob. 11, 1663, the whole day without any disturbance.

1664.

Stephen Ellis our Churchwarden came to demand four shillings for my absence from Church four sabbaths; my servant answered that if I came he would put me out

of the church. Yes sth he, and so I will too, for the law must be executed both to keep me away and to punish my absence.

1665.

Novemb. 5th. I preached at Peniston and on the Wednesday after kept the monethly fast for the plague in London, notice was brought into the Church yt some troopers were waiting at the Church-gates to apprehend me but I was guided aback to my lodging at Waterhall . . . and stayed and preached a funeral sermon . . . and . . . the Sabbath . . . following preacht three times to a considerable company without interruption. . . . This day March 24 1665-6 is a day of great scattering, hundreds of ministers being by act of Parl. banished five miles from the places where they have formerly preacht, if they take not an oath which they generally refuse, and this day I come out of Yorkshire to Denton to live in exile. O the teares that have been shed for breaking familys, and separating husbands, wives, parents and children, pastors and people! the Lord look upon it and requite it.

8.

[The taxing of the clergy with the laity first took place in March, 1664-5. Burnet erroneously gives July, 1663, as the date. Burnet, i. 352.]

The Convocation gave at the same time four subsidies which proved as heavy on them as they were light on the temporality. This was the last aid that the spirituality gave . . . and it was resolved on hereafter to tax Church benefices as temporal estates were. . . . Yet . . . the convocations being no more necessary to the crown [it] meant that there was less regard had to them.

9.

[Suppression of Conventicles. The following extract is taken from the very large number of letters describing the meetings of Non-conformists, to be found in S.P.D., 1663-8. S.P.D., Car. II, vol. cxxvi., No. 109 (Cal. 1664-5, p. 475). Letter to Arlington, Principal Secretary of State, 15 July, 1665, from two Deputy Lieutenants of Somerset.]

On Monday last we had notice . . . of a great Conventicle, and immediately . . . wente to the place, where we found the doors shutt, but breaking them open wee tooke about three score men and as many women, and . . . wee sent the men to the sessions, where they were convicted, and fined, of which some payd and others went to gaole. But my Lord, what causes this letter . . . is that amongst them we tooke eleaven non-conforming Ministers who live in or near about Taunton, and there are as many more in the Towne who are so close and secret in their meetings that we can never hear thereof till they are gone. . . .

[Footnote in Clarendon's hand.]

Every one of those Ministers who were taken at that Conventicle should be provided against with the utmost rigour according to the late Act of Parliament.

10.

[The Second Conventicle Act was passed on 11 April, 1670. Parliament insisted on the renewal of the laws against conventicles and wrecked a scheme for the comprehension of Anglicans and Presbyterians into one body. Under this Act preachers at conventicles were fined £20, J.P.'s, refusing to convict, were fined £100, and constables, neglecting to give evidence, £5. Burnet, i. 487.]

When the city was pretty nearly rebuilt, they began to take care of the churches, which had lain in ashes some years; and in that time conventicles abounded in all parts of the city. They began to raise churches of boards, till

the public allowance should be raised towards the building the churches. These they called tabernacles, and they fitted them up with pews and galleries as churches. So now an act was proposed reviving the former act against conventicles, with some new clauses in it. One was very extraordinary, that if any doubt should arise concerning the meaning of . . . this act, it was to be determined in the sense that was most contrary to conventicles. . . . The other was, the laying of a heavy fine on such justices of the peace as should not execute the law, when informations were brought them. . . . The behaviour of the Quakers . . . had something in it that looked bold. They met at the same place and the same hour as before; and when they were seized, none of them would go out of the way; they went altogether to prison; they staid there till they were dismissed for they would not petition to be set at liberty, nor would they pay the fines set on them, nor so much as the jail fees, calling these the wages of unrighteousness. And as soon as they were let out they went to their meeting houses again; and when they found these were shut up by order, they held their meetings on the streets, before the doors of these houses. By [this] they carried their point, for the Government grew weary of dealing with so much perverseness, and so began letting them alone.

11.

[Enforcement of the Second Conventicle Act. P.C.R., lxii. 190, 10 June, 1670.]

His Maty this day in Council receiving Information That severall Houses have of late beene erected in and about the Cityes of London and Westminster, and parts adjacent and are made use of by severall of his Mats subjects who meet therein under pretence of Religious worship contrary to the established laws of this Realme, for the

better and speedyer preventing whereof It is hereby Ordered¹ by his Matie in Councill, that Christopher Wren Esqre Surveyor Generall of his Mat's Workes do, and is hereby authorized and required forthwith in his Mat's name, and to his use to seize and enter upon, all Houses in and about the Cityes of London and Westminster, and Libertyes and Suburbs thereof and Burrough of Southwark and parts adjacent . . . which lately have are or shall be made use of for the meetings of Persons Disaffected to the Government by Law Established under Pretence of Religious Worship, And to shutt up such houses in such manner as no Assemblies be from henceforth kept therein.

12.

[Persecution of the Quakers under the Second Conventicle Act. George Fox, "Journal," *sub anno*, 1670 (ed. 1694).]

On the first day after the Act came into force, I went to the meeting in Grace-church Street, where I expected the storm was most likely to begin. When I came there, I found the street full of people, and a guard set to keep Friends out of their meeting house. . . . After I had spoken awhile . . . the constable came with an informer and soldiers and as they pulled me down, I said, "Blessed are the Peace-makers." . . . They also took John Burnyeat and another Friend, and led us away first to the Exchange and afterwards towards Moorfields. As we went along the streets the people were very moderate; some of them laughed at the constable and told him we would not run away. . . . When we were come to the mayor's house, . . . we stood by while he examined some Presbyterian and Baptist teachers, with whom he was somewhat sharp and convicted them. . . . After some discourse he took our names [i.e. those of the Quakers] . . . and set

¹[Similar order was issued to the Mayor of Bristol.]

us at liberty. Being set at liberty the Friends with me asked me whither I would go. I told them, "To Grace-church meeting again, if it were not over." . . . A glorious time it was for the Lord's power came over all, and his everlasting truth got renown . . . and the more because many Baptists and sectaries left their public meetings and came to see how the Quakers would stand.

13.

[The Declaration of Indulgence, 1672. See F. Bate, "The Declaration of Indulgence" (1908). S.P.D., Car. II, vol. ccciv., No. 1, 15 March, 1671-2.]

We think ourselves obliged to make use of that supream power in ecclesiastical matters which is not only inherent in us, but hath been declared and recognized to be so, by several statutes and Acts of Parliament. And therefore we do now issue out this Our Declaration. . . . And in the first place we declare our express resolution . . . to be that the Church of England be Preserved and remain entire in its Doctrine Discipline and Government as now it stands established by law. . . . And further we declare that no person shall be capable of holding any benefice living or ecclesiastical dignity or preferment of any kind in this kingdom of England, who is not strictly conformable. We do in the next place, declare our will and pleasure to be that the execution of all . . . penal laws in matters ecclesiastical, against whatsoever sorts of nonconformists, or recusants, be immediately suspended and are hereby suspended. . . . And . . . we do declare that we shall from time to time allow a sufficient number of persons as shall be desired in all parts of this our kingdom, for the use of such as do not conform to the Church of England to meet and assemble in order to their public worship and devotion, which places shall be open and free to all persons. But to prevent . . . disorders . . . our

express will and pleasure is that none of our subjects do presume to meet in any place until such place be allowed and the Teacher of that congregation be approved by us.

This our Indulgence as to the allowance of public places of worship and approbation of Teachers, shall extend to all sorts of nonconformists and recusants, except the recusants of the Roman Catholic Religion to whom we shall no ways allow in public places of worship, but only indulge them . . . in the common exemption from the executing the penal laws and the exercise of their religious worship in private houses only.

14.

[Reception of the Declaration of Indulgence. (a) By the Nonconformists of Wrentham, Suffolk. Cal. S.P.D., 1671-2, p. 396, 29 April, 1672.]

The congregation and nonconformists in and about that parish to the King. Petition expressing their thankfulness for the late Declaration of Indulgence, and praying a license¹ for a house in Wrentham for their worship and for Mr. William Ames as teacher to that congregation with a promise that the petitioners will not use permit or extend this royal favour and indulgence for exercising or teaching any doctrine tending to sedition.

[(b) Reception by the House of Commons, 14 February, 1672-3. C.J., ix. 252.]

We Your Majesty's most loyal and faithful subjects, the Commons assembled in Parliament . . . crave Leave humbly to represent That we have . . . taken into our Considerations several Parts of Your Majesty's last Speech to us, and withal the Declaration therein mentioned for Indulgence to Dissenters dated the fifteenth day of March

¹ Bate (p. 98) affirms that 1,508 preachers were licensed of whom the greater number were Presbyterians. The Quakers refrained from applying for licences.

last, And we find ourselves bound in Duty to inform Your Majesty, that penal Statutes in Matters Ecclesiastical, cannot be suspended but by Act of Parliament, We therefore . . . do most humbly beseech Your Majesty that the said Laws may have their free course until it shall otherwise be provided for by Act of Parliament.

15.

[The Test Act. "An Act for preventing Dangers which may happen from Popish Recusants." S.R., 25 Car. II, c. 2 (1673).]

For preventing dangers which may happen from Popish Recusants and quieting the minds of his Majesties good subjects, Bee it enacted by the King's Most Excellent Majestie by and with the Advice and Consent of the Lords Spirituall and Temporall and the Commons in This present Parliament assembled and by authoritie of the same, That all and every person or persons as well Peeres as Commoners that shall beare any office Civill or Military or shall receive any Pay, Salary, Fee or Wages by reason of any Patent or Grant from his Majestie or shall have command or place of trust from or under his Majestie from any of his Majesties Predecessors . . . within the Realme of England, Dominion of Wales or Towne of Berwicke upon Tweede, or in his Majesties Navy, or in the severall Islands of Jersey and Guernsey or shall be of the Household or in the Service or employment of his Majestie, or of his Royall Highnesse the Duke of Yorke who shall inhabite, reside or be within the City of London or Westminster or within thirty miles distant from the same on the first day of Easter Terme that shall be in the yeare of our Lord one thousand six hundred seaventy three or at any time during the said Terme all and every the said person and persons shall personally appeare before the end of the said Terme or of Trinity Terme next following in his Majestyes High Court

of Chancery or in his Majestyes Court of Kings Bench and there in publique and open Court betweene the houres of nine of the Clocke and twelve in the Forenoone take the severall Oathes of Supremacy and Allegiance which Oath of Allegiance is contained in Statute made in the third yeare of King James by Law established, and dureing the time of the takeing theirof by the said person and persons all Pleas and Proceedings in the respective Courts shall cease; and that all and every of the said respective persons and Officers not haveing taken the said Oathes in the said respective Courts aforesaid shall on or before the first day of August one thousand six hundred seaventy three at the Quarter Sessions for that County or Place where he or they shall be, inhabite or reside on the twentyeth day of May take the said Oathes in open Court betweene the said houres of nine and twelve of the Clocke in the Forenoone; and the said Respective Officers aforesaid shall alsoe receive the Sacrament of the Lord's Supper according to the usage of the Church of England at or before the first day of August in the yeare of our Lord one thousand six hundred and seaventy three in some Parish Church upon some Lords Day commonly called Sunday immediately after Divine Service and Sermon.

[V. Inrollment of the names of all Persons taking the Oath, in the Courts of Chancery, King's Bench or Quarter Sessions.]

VIII. And bee it further enacted by the authoritie aforesaid That at the same time when the persons concerned in this Act shall take the aforesaid Oathes of Supremacy and Alleigiance, they shall likewise make and subscribe this Declaration following under the Same Penalties and Forfeitures as by this Act is appointed.

I A. B. doe declare That I doe believe that there is not any Transubstantiation in the Sacrament of the Lords Supper or in the Elements of Bread and Wine, at, or

after the Consecration thereof by any person whatsoever. Of which subscription there shall be the like Register kept as of the Oathes aforesaid.

16.

[The First Declaration of Indulgence issued by King James II. 4 April, 1687, extended the privilege of preaching in public buildings to Roman Catholics. P.C.R., lxxii. 1.]

His Majestys Gracious Declaration to all his loving Subjects for liberty of conscience.

. . . We cannot but heartily wish, as it will easily be believed, that all the people of our dominions were members of the Catholic Church, and yet we humbly thank Almighty God, it is and has of long time been our constant sense and opinion, . . . that conscience ought not to be constrained nor people forced in matters of meer Religion. . . .

[Opening clause of Declaration promises to protect the clergy of the Church of England in the free exercise of their religion and in the enjoyment of their possessions.]
. . . We do likewise declare that it is our royal will and pleasure that . . . the execution of all . . . penall laws . . . be immediately suspended.

And . . . we straightly charge and command all our loving subjects, that—like as we do freely give them leave to meet and serve God after their own way . . . be it in private houses or places publicly hired or built for that use—we . . . do hereby command that no disturbance of any kind be made or given unto them under pain of our displeasure. . . .

. . . We do hereby further declare that . . . The oaths commonly called "The oaths of supremacy and allegiance," and also the several tests and declarations mentioned in the Acts of Parliament made in the five and twentieth and thirtieth years of the reign of our late royal brother, King

Charles II, shall not . . . hereafter be required to be taken, declared or subscribed by any person . . . whatsoever, who is or shall be employed in any office or place of trust, either civil or military, under us or in our Government . . . and . . . we do hereby give our free and ample pardon unto all nonconformists, recusants and other our loving subjects for all crimes and things . . . done contrary to the penal laws. . . .

17.

[James II's Second Declaration of Indulgence was issued on 27 April, 1688 (see P.C.R., lxxii., p. 653, for text). On May 4 the King ordered that it should be read in all the Churches. P.C.R., lxxii. 661.]

It is this day ordered by His Majestie in Councill that his Maties late Gracious Declaration bearing date the 27th of Aprill last bee read att the usuall time of Divine Service upon the 20th and 27th of this month in all Churches and Chappells within the Citties of London and Westminster, and ten miles thereabout and upon the third and tenth of June next in all other Churches and Chappells throughout the Kingdome. And it is hereby further ordered that the Right Reverend the Bishops cause the said Declaration to be sent and distributed throughout their severall and respective Diocesses to be read accordingly.

18.

[The Protest of the Bishops against Reading the Declaration. G. Robertson, "Select Statutes, etc.," p. 392, quoted from Bodleian Library, Rawl. MSS., C. 798, 368b.]

We are not averse to the publishing of the Declaration, out of want of due tenderness to the Dissenters, with whome we shall be willing to come to such a temper as shall be thought fitt when the matter comes to be settled

and considered in parlm^t. But the Declaration being founded on such a dispensing power as may at pleasure sett aside all law, ecclesiastical or civil, appears to us illegal and did so to the parlm't of 72 and it is a point of soe great consequence that we cannot soe farre make ourselves p'ties to it, as the reading of it in the Churches at ye time of divine service will amount to.

Signed,

This was delivered to ye King
May 7, 1688 by these Bps.

Canterbury
Ely
Peterborow.

BOOK IV. NAVAL HISTORY.

A. ORGANIZATION OF THE NAVY AT THE RESTORATION.¹

1.

[The Navy Board, 1660. Pepysian MSS., vol. 2879, "Miscellaneous Docs.," p. 220.]

7th July 1660.

His [The King's] Royal Brother ye D. of York was declar'd Admiral of England and ye persons following ye first Principal Officers² and Commissioners of ye navy under Him, viz.

Sir Geo. Carteret	Treasr.
Sir Rd. Slingsby	Soon after Comptroller
Sir W ^m . Battine	Surveyor
Sam ^l . Pepys Esqre.	Clerk of the Acts
Jn ^o . Ld. Berkeley	Commissioners.
Sir W ^m . Penn	
Peter Pett Esqre.	

¹ For detailed accounts of the organization of the navy and the general history of the fleet during the Restoration period see J. R. Tanner, "Navy Records Society Catalogue of the Pepysian MSS.," vol. i., and A. W. Tedder, "Navy of the Restoration," in addition to the general works such as Clowes, "Royal Navy."

² All these men possessed expert knowledge of naval affairs.

2.

[In 1662 the Duke of York issued a volume of Instructions, "The Oeconomy of H.M.'s Navy Office," exhorting the Commissioners to maintain supervision over the purchase of stores, etc. Letter from James Duke of York, Lord High Admiral, to the Principal Officers and Commissioners of the Navy, 24 January, 1661-2. "Memoirs Relating to the Conduct of the Navy," p. 28.]

I have long deferred sending you a Book,¹ containing the Duty of the Several Officers belonging to his Majesty's Navy. . . . I desire you that your first place May be . . . to discharge unnecessary workmen in the yards and next to set a mark upon such who shall appear to have served either deceitfully or negligently. . . . In the next place I desire you to take an account of the Behaviour of the several officers in the yards who are intrusted with the King's Expenses therein; which if you find any to be prodigal, I desire you to suspend them their Employments. . . . And under this Head, I desire you to examine if the Master Shipwrights have put the King to unnecessary Charge in Repairing of Ships. . . . But if any Store Keepers, or other officers, who are intrusted with the viewing and judging the Condition of Stores delivered into the several Yards, shall have so far falsified their Trust, as to make a false Report of the Quality of the Stores so delivered in; and by it shall have misguided you in the signing Bills for Stores, which are indeed unuseful, or not of equal Goodness to the Price given upon their Report, I suppose it will be unnecessary to press you to be strict and severe towards them . . . the consequence of this being so great, both as to the real service to his Majesty and as to the Reputation of the Management of the Affairs of the Navy. . . .

As to the management of the Affairs among Yourselves,

¹ "The Oeconomy of H.M.'s Navy Office," see Pepysian MSS. vol. 2867, pp. 356-98; and No. 2611, pp. 127-90.

that which I shall principally recommend to you, is, that there be due and timely Information gotten of the quantity of each sort of Goods needful in the Navy . . . and of the Prices; in both which I desire you not to rely wholly on the Informations of Purveyors . . . but to use all means to be fully informed . . . and to make your Contracts at your Publick Meetings in the Navy Office . . . by this method, as the King's Contracts may probably be made with better Husbandry so it will be no small advantage to His Majesty in that it will take away all occasion of calumniating his Officers.

B. THE FIRST DUTCH WAR.

1.

[“A Summary Narration of the Signal Victory which it pleased Almighty God to bestow upon His Majesties Navy, under the Command of his Royal Highness the Duke of York against the Fleet of the States of the United Netherlands on 3 June, 1665.” Battle of Lowestoft. Pamphlet (B.M. Pressmark, 808. c. 35), 8 June, 1665.]

Upon their [the Dutch fleet's] first appearance . . . it cost His Royal Highness but little time to make ready. . . . Their number was taken to be 110 Sail and 10 Fire-ships. We followed them till Night, and endeavoured by several Tacks to get the Windward Quarter which his Royal Highness effected. . . . They bore up toward us and gave the first Broadside at Sunrising, Saturday 3rd. But finding they could not get from us, they bore up to Vice Admiral Minnes and gave him a broadside, who received them accordingly; and so their whole fleet passed by Ours, firing at every ship as they went and receiving returns from them; . . . In the second pass the *Swiftsure* bore the first brunt, which was performed on both sides as the former. In the third (wherein we also kept the wind) Prince Rupert and Captain Minnes led the way, but

the Enemy endeavouring to get the head of our whole Fleet, we engaged in a line, and as we bore towards them, they still bore off, yet steering the same Course; so that it was not a fight of board and board, but offending one another with great shot, . . . Which way of fighting seeming tedious to us, about one of the Clocke, we passed so near about the middle of them that we divided their Fleet. About three of the Clock Opdam's Ship was blown up . . . which amazed their whole Fleet as it encouraged Ours, so we fell in Pell mell with them. . . .

Upon the whole matter God hath been pleased to give us his Majesty a great and signal Victory, the enemy being driven into the Texel as far as the draught of water and the condition of our ships would permit. . . . The enemies whole Fleet is defeated . . . about 30 of them burnt or taken, Opdam with his ship blown up, Tromp and Cortenaer, Skran and Stellingwerffe, all their 7 Admirals but John¹ Evertsen, killed, with many more of their principal officers and . . . near 8000 Seamen and Soldiers. On our side onely one Ship *The Charity* lost.

2.

[The Battle of the Four Days; one of the fiercest contests in which the English and Dutch Fleets were ever engaged. It lasted from 1-4 June, 1666, and both nations claimed the victory. (See Mahan, "The Influence of Sea Power upon History," ch. ii.); Cal. S.P.D., 1665-6, p. 430. Sir Thos. Clifford, one of the Naval Commissioners, to Lord Arlington, from the *Royal Charles*, 5 June, 1666.]

On Friday the 1st there was a fresh gale and the next day the fleets engaged. With much ado he and Lord Ossory,² got into the *Royal Charles* by 2 P.M. where all went well, but after a few hours, five of the English ships were so shattered that they had to retire to the ports which dis-

¹ Should be Cornelis.

² Son of the Duke of Ormonde.

heartened the fleet. . . . Nothing was to be heard among the seamen but complaints about the dividing the fleet and sending away Prince Rupert.¹ The General's conduct was very good for he chose 16 ships as a bulwark to the rest, and shoving the others in a line before him made a good retreat, till Sunday the 3rd when at 3 P.M. Prince Rupert's fleet came up, and was received with great shouts, but in trying to form, several ships struck on the Galloper Sands; one was the *Royal Prince*—she was attacked by the Dutch, and though some frigates were sent to defend her, she yielded without firing ten guns in defence. The Dutch being unable to get her off, fired her, which touched every heart in the fleet, for she was the best ship ever built and like a castle on the sea. . . . Following up the Dutch reached them on the 4th. Sir Chris. Myngs and Sir Rob. Holmes led the van. Attacks were made, several of their ships were fired, and not one of the English, and at 5 P.M. the Dutch fleet was fairly divided; part ran away and whilst they were chased, the rest attacked the Duke of Albemarle, The Prince's ship, the *Royal James*, being disabled, De Ruyter attacked the General's ship, *The Royal Charles*, and so damaged her that she was obliged to tack, and unable to defend the frigates, and by unskilfulness of the captains of the *Essex* and *Convertine*, which both yielded, several frigates were taken. The rest joined the Prince's fleet; the Dutch cannot call it running away. The enemy were glad to be quiet, having several vessells maimed; the battle was a drawn one. . . . Some of the English captains deserve hanging. Many ships got away after the first day, and two good ships that put out to sea went back when they heard the shooting. The Hollanders never before compelled the quitting of the seas; ammunition and stores must be suddenly provided. Money should be brought to

¹ On 28 May Prince Rupert's squadron of 25 ships had been separated from the main fleet to attack the French.

pay the men, for they mutter about being 20 months behind. There should also be a new press for seamen, and then by appearing on the Hollander's coast, the brags which they will doubtless send out to the world will turn to their disadvantage. There are 1,500 wounded and 1,800 slain, with several captains.

C. REORGANIZATION AFTER THE WAR.

1.

[The payment of officers during peace-time which was first instituted in 1668 may be regarded as the foundation of our permanent naval force. Pepysian MSS., vol. 2867, "Naval Precedents," p. 477, 17 July, 1668.]

An order made by the King in Councill Establishing Pentions to Flag Officers durement their being out of Employment. . . .

His Maty taking unto his Princely Consideration the Eminent Services p'formed in the late warre agst the Dutch by the Flagg Officers of his Fleet, and that durement the time of peace, severall of them are out of Employ^{mt} . . . and being resolved to allow Pentions unto them for and during such time as they have noe Employment . . . was pleased by order of this Board of ye 8th inst. to refer it to ye Lords Com^{rs} for the affaires of ye Navy, to consider what Pentions they conceived fitt for his Maty to allow them and to Report their opinion, who having represented to his Maty . . . that there be allow'd.

£250 p. an. to ye Vice Ad^{ml} of ye Fleet whose pay in time of service is 50s. per diem.

£250 to ye Rear Ad^{ml} whose pay in time of service is 40s. p. diem.

£200 to ye Vice Ad^{mls} of ye Squadrons whose pay in time of service is 30s. p. diem.

£150 to ye Rear Ad^{mls} of ye Squadrons whose pay in time of service is 20s. p. diem.

And that ye capts of Admiral's Shippes be putt into ye same condicon with ye Rear Admirals of Squadrons . . . His Maty . . . did accordingly order That his R.H. the Duke of York, Lord H. Adml of England should be desired to give Directions . . . to the Principal Offrs and Commrs of his Matys Navy to signe Bills to ye Trear of ye Navy to pay unto the . . . Officers aforesaid during such time as they shall bee out of Employ^{mt} the said Pentions.

2.

[In 1669 the Commissioners of Public Accounts accused the Navy Board of maladministration and of not supervising the "inferior officers" during the war. Pepys submitted a reply to the commissioners in November, 1669, and read his report before the Privy Council in January, 1669-70. Although Pepys cleared the principal officers of the charges of extravagance levelled against them, the attack caused the suspension of Sir G. Carteret (Treasurer) from the House of Commons. In the following extract from his defence Pepys discusses the charge "That ye different issues of the wars" (of 1652-4 and of 1665-7) "are chiefly chargeable on ye different Degrees of Method and good husbandry exercised then and now by the managers of this office." Pepysian MSS., vol. 2874, "Miscellaneous Docs.," p. 539.]

Because better success did attend them than it has pleased God to allow us, that therefore this success must . . . be necessarily referred to some transcending in their methods, whereas ye whole stile of ye Transactions of that time demonstrates . . . [that] neither in ye ballancing store-keepers accounts, frequency of their Surveys, tenderness in granting or regulating in clearing Imprests, use of Tickets, or infallibility in their Examinations, uninterestedness of their Contracts, or looseness of their Prices, or any other of those Circumstances wherein Your Majesty's present Officers are deemed most peccant, they will be found to outdoe or in many cases come up to what has been arrived at under Yo^r Majesty's Government. . . .

Especially when I consider not only ye Issue of what is passed, wherein (as it will ever be in Actions like this, while managed but by men and subject to Disappointment from Plague, Fire etc. . . .) so many failures must inevitably bee look'd for as shall not need to be exaggerated by ye suggestion of others.

[Extract from Answer I to the "Observations" of the Commissioners of Public Accounts.]

Ye Officers of ye Navy may (to my best recollection) challenge ye whole world to allege one instance of prejudice sustain'd by his Maty from their ordering either ye Receipt of or Payments for ye least Parcell of Goods unuseful, unfit, or unserviceable.

D. THE SECOND DUTCH WAR.

1.

[Appointment of the Duke of York to the command of the allied Fleets of England and France. Pepysian MSS., vol. 2873, "Miscellaneous Docs.," p. 231 (Fr.), Versailles, 14 March, 1671-2.]

Louis by the Grace of God King of France and of Navarre to our dearest and well beloved brother and cousin the Duke of York and Albany, Lord High Admiral of England, greeting. The close union and perfect correspondence which exists between us and our dearest and well-beloved brother and cousin the King of Great Britain, having caused us to join our land and sea forces for the delivery of our peoples from the oppressions which they have long endured from our mutual enemies, and having been informed that you are in command of the naval forces of our brother. . . . We have realized that we cannot entrust the command of our fleet during the coming campaign, while they will be allied with those of England, to safer hands than yours. . . . Therefore we have com-

missioned . . . and by these presents signed by our hand do commission you during the period of the coming campaign to be commander-in-chief of our fleet while it is allied with that of England, For this purpose to give your orders to Count d'Estrées Vice-Admiral of France in order that they may be obeyed by all our officers.

2.

[The Battle of Southwold Bay, 28 May, 1672. (See Mahan, ch. iii.) H.M.C.R., xv. App. i., Dartmouth MSS., iii. p. 20. An account of what passed on board the several ships the Duke was in, the day of the engagement.]

On board the *Royal Prince*.

This morning about half an hour after two . . . I heard firing of guns to windward and presently perceived it was one of our scouts, which came down before the wind, making the usual signs of the approach of an enemy's fleet, the wind being then E. by S., and E.S.E., a gentle gale. . . . A little after sunrise we could see the enemy's fleet from the quarter deck, they then bore N.E. from us, wind E.S.E. As soon as we had got our anchors on board we put out the signal for drawing into our order of battle and stood to the northward with our starboard tacks on board as near the wind as we could lay. By six the enemy were fair to us and the Count d'Estrée sent the Major to the Duke to know what commands he had for him, who answered him that he desired he would keep his wind as much as he could.

At a quarter and a half-past seven, Van Ghent with his squadron began to engage with our Blue,¹ which had then the van and within less than a quarter of an hour after, De Ruyter with his, engaged us, bringing their ships to . . . When they came within musket shot of us. . . .

¹ The English squadrons were "The Red" and "The Blue," the French squadron, led by D'Estrées, was "The White."

There was none of all our division on the same line with us but the *Victory* . . . and the *Bantam*, a fire-ship, . . . it having not been possible for them [the others] to get up into their order-of-battle . . . nor was it fit for us to bear down so far as to get into the same line with them because of the sands which lay off Lowestoft. . . . We perceived his [de Ruyter's] intention was to disable us and then turn his fireships to us ; and within less than half an hour . . . we saw two of his fireships through the smoke, which was very great, coming up to us, . . . But we plied them so well with our guns . . . that we sank one to rights and . . . saw [the other] no more. . . . About ten oclock our maintopmast was shot by the board and our rigging and sails shot all in pieces, so that the ship was totally disabled which made the Duke resolve to go on board the *St. Michael*, Sir Robert Holmes, Commander. On board the *St. Michael*.

We saw about 8 or 9 of the enemy's fireships on fire, which had been spent on several of our ships without effect. . . . At the same time we saw Van Ghent's squadron to windward of us, standing to the southward as we did, and the Earl of Sandwich in the *Royal James* in the midst of them. . . . We resolved to stand in between them . . . and divide them and . . . we were almost up within cannon shot of the *Royal James*, [when] . . . we saw a great fireship of the enemy lay her on board and burn her. . . .

The Duke ordered . . . [Captain Sudlington of the *Dartmouth*] to tack and endeavour to save what men he could belonging to the *Royal James*, many of whom we saw swimming upon pieces of timber and what they could lay hold on. We then began to engage again very hotly. . . . Presently . . . the *Resolution* and *Cambridge* were so disabled and had so much water in hold that they were forced to bear away . . . to refit. . . . At the

same time the *Phœnix* had no cartridges left nor paper to make any. . . . At the same time the *Victory* was so disabled, and had so much water in hold that she was obliged to bear away, and De Ruyter, who was then about a league astern of us . . . put out a signal . . . upon which all those both to windward and to leeward of us . . . made the best of their way to join him. Soon after they began to bear away. . . . A little after midnight we saw a great man of war of theirs on fire. The next morning. . . we . . . discovered the rest of our fleet with the whole French squadron, whom we joined about ten.

3.

[The establishment of the new commission for the execution of the office of Lord High Admiral proved of great service to the Navy. The chief results of the reorganization undertaken by the Commissioners may be seen in the enlargement of the Fleet (1676) and the re-gunning of the Fleet (1677). Pepysian MSS., vol. 2879, "Miscellaneous Docs.," p. 221, 9 July, 1673.]

In ye execution of w^{ch} commission (of 1660) his Roy^{ll} Hss continued through various states of Peace and War from ye aforesaid 1660 to May 1673 when not submitting to ye Parliamentary Test, he was pleas'd to surrender into the King's hand this his Admirallship. . . . Upon which his Majesty was pleased to put severall parts of ye sd office into Commission, retaining ye rest in his owne Hands, and calling Mr. Pepys, ye only survivor of ye first forenamed sett of Off^{rs} of ye Navy . . . from his Charge as Clerk of ye Acts to that of Sec^{ry} to himselfe and ye said Commission in ye affairs of his Admty of England, that of Scotland, Ireland and his foreigne Colonies resting still in ye hands of his R^l Highness and ye persons thus commissioned under ye Great Seale bearing date ye 9th of July 1673, for that of England being as follows: Prince Rupert, Earl of Shaftesbury Chancellor of England, Tho. Ld. Vis^{ct}. Osborn H. Trea^r. of Engl^d, Arthur E. of Anglesey Keeper of ye

Pr. Seal, Geo. D. of Buckingham, Ja. D. of Monm^o., Jo. E. of Lauderdale, Ja. D. of Ormond, H. Ea. of Arlington one of his Matys Pr. Secs of State, Sir G. Carteret Vice Chamberlain of ye Household, H. Coventry Esqre one of his Matys Pr. Secs. of State, Ed. Seymour Esqre, and any 3 or more of them.

4.

[Comparison of the Fleets of England, France, and Holland in 1673. Pepysian MSS., vol. 2873, "Miscellaneous Docs.," p. 198.]

Shippes	English	French	Dutch
Of 100 guns and upwards	7	4	—
Of 90 guns and under 100	2	2	—
Of 80 guns and under 90	2	2	10
Of 70 guns and under 80	7	14	24
Of 60 guns and under 70	18	12	24
Of 50 guns and under 60	22	25	28
Of 40 guns and under 50	19	26	22
Of 30 guns and under 40	10	9	24
Of 20 guns and under 30	5	2	4
	—	—	—
	92	96	136
Fireships	3	4	40
	Men of War.	Fireships.	
French Excesse	4	1	
Dutch Excesse	44	37	
	[Signed]	S. Pepys.	

E. ADMINISTRATIVE REFORMS, 1674-88.

1.

[Account of the Fleet delivered by Sir Anthony Deane, Commissioner at Portsmouth at the close of the Anglo-Dutch War. Pepysian MSS., vol. 2873, p. 49.]

To the Rt Honble Thomas Earl of Danby, Lord High Treas^r of England is humbly presented . . . some few ob-

servations relateing to the state of His Matys Fleet . . . 1674.

1. It is to be observ'd that eight of his Matys men of war is to be built, two second-rates are cast, and ten more want very greate repaire, . . .

2. To Rebuild and Make good these 20 ships In my judgment will take two years' time ; if neither money nor men be wanting to carry on the worke the stores being so exhausted the supply of which is proper to the Summer only, so that unlesse a Preparation be made in the Spring the succeeding yeare is lost.

3. . . . If the docks are to be filled with these ships which are to be Rebuilt, those which want least repaire cannot well be sett out.

4. . . . What is most adviseable . . . to put fifty ships into a condicōn of service . . . [is] to order the repaire of those which want least and compleate the Rigging and Stores.

5. The number of each rate to make up 50 will be :—

6 of 1st	{	Rates the names of which are here incerted. These being all that want least repaire may be soonest sett forth.
4 „ 2nd		
16 „ 3rd		
24 „ 4th		

6. If these fifty ships w^{ch} want least repaire be not begun in ye Spring to compleate them in ye Summer it cannot well be done till the succeeding yeare, it being one whole yeares loss of time if ye summer be not made use of to provide provisions there being not three months in ye yeare, that Timber and Planck is carryed in our dirty Roades which afforde most of that species.

7. Its not [? now] to be observed, that his Matys owne force consistes of little more than these 50 ships except some few fifth Rates which are not to be mencōned in ye time of warr unlesse for convoyes untill such time as those be Rebuilt and [those] repaired be finished.

9. The money required by the Estimates to putt of ye 50 ships into a full Repaire fitt for ye sea amounts to about £98,765 whereof may be abated £17,000 for graveing and ordy repaires if they goe not to sea presently [i.e. at once].

10. By what appeares . . . it will require one summer to putt 50 shippes . . . into a condicōn for ye seas and two yeares to Rebuild . . . 20 ships¹ . . . in all three yeares if neither money nor men be wanting to make use of ye proper seasons to effect this purpose.

2.

[Debate in Parliament in regard to the enlargement of the Fleet. After the prorogation of Parliament, 1675-7, the subject of naval expenditure and the enlargement of the Fleet was again raised, and after a heated debate in the House of Commons an Act was passed in 1677 by which £600,000 was ordered to be spent on the building of thirty ships. Thus Deane's estimate that twenty ships were necessary was deemed too low, and Pepys (Secretary to the Commissioners) moved for the building of thirty vessels at least. Grey's "Debates," vol. iv. 115.]

Mr Pepys. By the King's personal application to building ships skill has been advanced. . . . More docks have been built. . . . We want thirty ships more. The French and the Dutch are daily building. . . . Our neighbours will be yet more than we.

Mr Garroway. No debts have been paid and therefore it concerns us that no more money should be given than what may be employed in one year.

Mr Pepys. When twenty ships are built, would you stand still and send for more materials?

Mr Secretary Williamson. The question is fair before you. To proportion our strength with our neighbours. . . . Any sum he has heard of yet [i.e. £600,000] will come far short of that work.

Mr Finch. The necessity is so great that he thinks we

¹ C.J., ix. p. 362. £300,000 was voted for the building of 20 ships, October, 1675.

are bound to do something. . . . If ever trade was, 'tis now, at stake. . . . Our liberties and all that we have depend upon the greatness of our neighbours and if care be not taken, we may have just such a dominion of the sea as we have of France, and all may become tenants of England by the courtesy of France. . . . Moves for £600,000.

Sir George Downing. This great fleet of France can intend no other enemy than us. . . . There are thirty ships necessary to go in hand with and now is the cheapest time to buy timber. Therefore moves for £600,000 for present going in hand with thirty ships.

3.

[Re-gunning of the Fleet, 1677. The schedule (abridged below) shows the actual strength of the Royal Navy and the "Quality, Number, Weight and Length of Ordnance proposed to be established for the Thirty Ships of War to be built out of the Rates and Tunnage under mentioned." Pepysian MSS., vol. 2867, "Naval Precedents," p. 205, 22 December, 1677.]

Ships Burden	Ordnance	Weight in Tons.
1 First Rate of 1500 Tuns each and 100 guns	26 cannon	187·8
	28 whole culverin	
	44 sakers	
	2 3-pounders	
<hr/>		1433·14
100 guns		
9 Second Rates of 1300 Tuns each and 90 guns	26 demi-cannon	
	26 whole culverin	
	36 sakers	
	2 3-pounders	
<hr/>		2840·0
90		
20 Third rates of 1000 Tuns each and 70 guns	26 demi-cannon	
	26 12-pounders	
	14 sakers	
	4 3-pounders	
<hr/>		70

4.

[The establishment of a new Commission of the Admiralty in 1679 proved disastrous to the interests of the navy, as the new Commissioners were men of inferior ability and did not carry on the work begun by their predecessors. Pepys was confined to the Tower for alleged complicity in the Popish Plot. Pepysian MSS., vol. 2866, "Naval Minutes," p. 76.]

Noe King ever did so unaccountable a thing to oblige his people by as to dissolve a Commission of ye Admiralty then in his owne hand, who best understood ye Businesse of ye Sea of any Prince ye world ever had . . . and put it into Hands which he knew were wholly ignorant thereof, sporting himselfe with their ignorance.

5.

[The return of the Duke of York to the Admiralty, 19 May, 1684. Pepysian MSS., vol. 2877, "Papers and Notes upon the Subject of the Dominion and Sovereignty of the British Seas," p. 226.]

His Maty finding it (from ye deplorable state into which both ye discipline and strength of his navy was then brought) to be high time ye same [the Commission of 1679] should be repealed, he was then by his Ler^s. Patents bearing Date ye 19 of May 1684 pleased accordingly to repeale it and resume ye office of L^d H. Adml into his owne hands committing as heretofore ye inspection therof to his Roy^l Brother ye Duke of York, then newly recall'd home, remanding Mr Pepys also to his Secretaryship therein.

6.

[Rules about Salutes, 1684-5. Pepysian MSS., vol. 2877, p. 305.]

Touching ye Flag and Topsaile.

Within his Maty's Seas (which are to be understood to extend to Cape Finisterra) all ships belonging to any foreign Prince or State meeting with any of his Matys are in passing by to strike their Topsaile and take in their

Flag in acknowledg^{mt} of his Matys Soverty in those Seas ; his Matys Ships in no wise striking to any within the same.

Salutes by guns.

In ye Harbours or Roads of Foreign Princes within Shott of Cannon of any Fort or Castle ye Comanders of his Matys Ships are to send on shore to inform themselves what return will be made to their Salutes, and in case of good assurance given y^t they shall be answered gun for gun they are then to salute such Fort as is usuall. But if not they are not to salute that place.

Upon their meeting with any of ye Ships of War of ye French king from Cape Finisterra further on in all ye Seas as well as in ye Ocean or Mediterranean they are expressly required neither to give any Salute to, nor expect any from them.

7.

[Pepys' "Just and Succinct View of the Different Condiçons of ye Navy," 1686.]

First at the opening of ye late cõmission of the Admiralty in ye beginning of the yeare 1679 . . . the grosse of the Fleete was in complete repaire, as being actually at sea in 90 Capitall Shipps set forth but few months before for a warr with France, and this fleet entirely supplied with sea stores for six months, besides a further magazin . . . to ye value of three score thousand pounds. . . .

In 1684 . . . the whole fleet in Harbour out of repaire, to such a degree as not to be able . . . to furnish out . . . more than 3 fourth and 2 fifth Rates within the whole time of the Invasion under the Duke of Monmouth. Most of the 30 new ships soe decayed (though never yet at sea) as to have had diverse of them reported by the Navy Board . . . to be ready to sinke on their moorings . . . and the

generall debt of the Navy raised from 305 to 384 thousand pounds. . . .

Schedule describing the ways of reorganizing the Navy for the sum of £400,000 per year for three years.

1. The repairing all the King's shipps that were in Harbour . . . in November 1685 £133023

[Chatham, Portsmouth, Deptford and Woolwich Harbours].

2. The providing such materialls and stores . . . to furnish all the said shipps with Rigging, Ground Tackle, Sayles, and six months Boat Swaines and Carpenters Sea Stores £221533.

3. The defraying of ye charge of several works, £376254.

4. . . . Wages, victualls, wear and tear of 4200 men to be employed ye yeare round at £4 a man a month for 13 months and one day comes to £677066.

5. The building of 2 new 4th Rates each year . . . and supplying them with Rigging, Ground Tackle and Sea Stores £36000.

8.

[A Special Commission was constituted in 1686 to carry out the reforms advocated by Pepys in his "Memoriall and Proposition" of 26 January, 1685-6; and the following extracts are from the "Instructions to the Commissioners" of 25 March, 1686. For the organization and working of this Special Commission, see Tanner, "Cat. of Pepysian MSS.," i. 66-97; and Pepys' "Diary Relating to the Commission," in Pepysian MSS., vol. 1490.]

1. To consult and advise together how to transact all affairs tending to the well being and well governing of our said Navy. . . .

2. To cause a strict Methodicall and perfect Survey to be with all speed taken of the praesent State . . . of our Shipps Frigotts and vessels now in Harbour . . . and of all and every part of our naval stores. . . .

8. To apply themselves . . . to the immediate Ransacking and . . . fitting for ye seas both in theyr hulls Furniture and Seastores all and every our Ships . . . now in harbour as were especially of the 30 ships lately built and already found fallen into Great Decays.

9. To proceed with like application to ye finishing our three 4th rate shippes now upon ye stocks, the repairing of all our docks, wharfes, cranes [etc.] and do ye like with reference to our shippes . . . now at sea as fast as Our service shall admit of theyr being called home . . . and to take care that . . . our shippes . . . have due regard had to their being preserved in constant State of readinesse both in theyr Hulls and Stows for answering any Service whereto we may have occasion for calling them.

9.

[The visit of James II to Chatham Dockyard, in May, 1688, illustrates his continued interest in naval affairs. "Sir Anthony Deane and Mr Hewer, Their Minutes of ye Proceedings at Chatham at his Maty's visiting his yard and ships there." *Ibid.*, p. 913.]

At one of the clocke the king arrived and landed at the Dockyard; he instantly went to Sir Phineas¹ Petts house, from thence he went on Horseback to review a foot regiment . . . from thence to view the new long storehouse and ordnance new storehouse and wharfs in building. . . . [Debate at Sir Phineas Pett's house.] The king [declaring that he did not believe the Dutch had so great a fleet abroad as was reported] said he would be contented to be at the charge of fitting out some further shippes and that he would, with the Master of the Ordnance, . . . view the best places for erecting some new batteries, and causing the old ones to be all putt into a serviceable condicōn, and adding more gunns where it might be done, as believing that to be the properest . . . security to his navy.

¹ Resident Naval Commissioner for Chatham and Sheerness.

. . . The king acquainted us he was come to this Resolution of fitting out two 3rd Rate and three 4th Rate Shippes more to be manned wth the lowest complement of Men.

F. THE ILL-DISCIPLINE OF THE FLEET AND ITS DEFECTION IN 1688.

1.

[Grievances, etc. (a) Irregularity of Pay. "Pepys' Diary," v. 107, 7 Oct., 1665.]

Up and to the office. . . . Did business though not much . . . because of the horrible crowd and lamentable moan of the poor seamen that lie starving in the streets for lack of money. Which do trouble and perplex me to the heart; and more at noon . . . when a whole hundred of them followed us, some cursing, some swearing, some praying to us.

[(b) Tickets given instead of money. Pepysian MSS., vol. 2874, "Miscellaneous Docs.," p. 541 (1677).]

Ye passing of many false tickets . . . has arisen from a want of a constant comparing of Tickets with ye sea-booke, [which] . . . has contributed to ye passing false Tickets. . . . Tickets misrated, and false cast as to ye allowance of Time, and ye passing of double Tickets to ye same Person for ye same time of service on ye same ship.

[(c) Lack of food. Duke of York to Sec. Bennet, 11 November, 1664. Cal. S.P.D., 1664-5, p. 62.]

The Ships will soon be ready but will have to put to sea with a less quantity of food than was intended. Men cannot be supplied there . . . those who being pressed either do not appear or run away, must be apprehended and punished, for . . . pressing men is of little effect except to expend treasure. . . . Two hundred have left the service within a few days.

[(d) Mutiny in 1674. Pepysian MSS., vol. 2965, "Journal of the Admiralty," 10 January, 1673-4.]

On Thursday last about 100 seamen in a Boddy did in a mutinous manner march wth a Black Flagg before them through the citty of London as farr as Guildhall assaulting all press mariners and rescuing of prestmen.

2.

[Inducements to Service. (a) Commissioners appointed to take care of and provide for the sick and wounded men at sea. Pepysian MSS., vol. 2867, p. 535, 8 March, 1671-2.]

His Maty out of his Princely care and favour towards Seamen, Mariners and others employed in his service at sea, having tho^t fit for their Encouragement and Reliefe to nominate and appoint Commiss^{rs} to take care of all such as shall happen to bee sick or wounded in ye Service, is graciously pleased to Order, and it is hereby ord^d by his Maty in Council, That Sir Wm. Doyley, Knt and Bart, Henry Ford Esqre Bullen Reymer Esqre and John Evelyn Esqre bee . . . appointed commissioners to take care of all such Mariners [etc.] as shall happen to fall sick or bee wounded. W^{ch} his Matys sd Commiss^{rs} . . . are hereby empowered and authorized to . . . performe all lawfull and necessary Provisions . . . for . . . the Comfort . . . of the Persons aforesaid. . . .

[(b) Foundation of a Marine Hospital. Pepysian MSS., vol. 2874, p. 211, 4 April, 1684.]

Whereas our Justices of the Peace, Ministers, Churchwardens [etc.] on behalfe of several thousands of our poor seafaring subjects inhabiting in and about ye Parishes of ye Tower Hamlets have . . . represented unto us that among other remedies [they suggest] ye building of an Hospital or Nursery for ye breeding of ye children of such

Seamen as shall happen to be in Turkish slavery or to dye in ye service of us or of merchantmen belonging to Our Subjects. . . . We do approve thereof.

[Here follows an "Order for the foundation of the Hospital, by Charter to pass under the Great Seale" and a "Paper of Heads" giving details of the proposed organization, Clause 7 of the "Paper of Heads."]

That ye Male Children of Seamen be received into ye said Hospital at 6 years of age or upwards and be there educated as much as may be in Marine Discipline till they be 15 or 16 years of age for ye King's Ships and Service or for ye Service of Merchantmen.

[(c) Relief to widows and orphans of persons slain in fight against any of his Majesty's enemies at sea reinstituted by James II, 3 February, 1687-8. Pepysian MSS., vol. 2867, pp. 482-3.]

Noe reliefe remains at this day provided for the Widdowes and orphans of such as happen . . . to be slaine in the present war with Sally [i.e. Sallee in Barbary] . . . such as conflict with Pyrats upon ye Coasts of Guiny, the West Indies etc. [Therefore] his Majesty taking the same into consideration, hath thought fitt, of his Royall Bounty and as an encouragement to his good subjects to undertake cheerfully His service at sea, to declare and order . . . That the last establishment relating to this matter bearing date the 17th day of July 1672-3 be and is hereby renewed and rendered universall as to ye Time, Place and Service, wherein any Person shall be slain in his Majesty's Pay and agst His enemys at ye seas. And this shall be allowed on the Proporcōns and under the Limitations and condicōns expressed in the former Establishment.

3.

[The defection of the Fleet in 1688. Admirals Russell and Herbert with a large section of the navy who were discontented with the naval administration, went to Holland and joined the Fleet of William of Orange. The Dutch Fleet set sail on 19-29 October, but was driven back by contrary winds. (a) Marquis d'Abbeville to Lord Dartmouth, Admiral and Chief Commander of the English Fleet, The Hague, 20-30 October, 1688. H.M.C.R., xi. App. v. Dartmouth MSS., iii. 181.]

Yesterday between three and four in the afternoon the Prince of Orange with his fleet consisting of 52 men-of-war and about 400 other vessels which carry over 20,000 fighting men, besides volunteers and servants, has set sail from the Brill and Helvetsluys. . . . The Prince embarked on a small frigate . . . Burnett is on board the [same] vessel . . . and Farguson is on board the vessel in which my Lord Macclesfield and other English are embarked. Your Lordship's very good friend Admiral Herbert is Vice Admiral.

[In a letter dated 31 October occurs this statement.]

They have about 20 pilotts with them, all English, amongst whom is a master pilott of Hull to whom they give a reward of £60 sterling for his conduct of the fleet when they come upon the English Coast.

[(b) On 1-11 November William set sail again for the coast of England, eluded Lord Dartmouth's Fleet, and landed at Torbay on 5-15 November. Pepys to Dartmouth, 6 November, *ibid.*, p. 184.]

Though all know that your Lordshipp, and above all the King is abundantly assured, that noe part of your disappointment in relation to the Dutch fleet can be charged upon anything within your power to have prevented; yet the consequences of it in the fleets passing without the least interruption to the port they were bound for with their whole fleet, are too visible . . . to escape being lamented by all; . . . soe that there is nothing

left within the power of your Lordship to obtaine upon them in reference to the landing-port, and that consequently their men of warr will now be at an entire liberty to receive or attack you as they shall see fitt.

[H.M.C.R., xi. App. v. Dartmouth MSS. iii., 185, 5 November.]

Intelligence received from the Officer of the Customs at Brixham. About three hundred saile of Dutch came just now into Torbay, severall of them landing souldiers there, and the Prince himself going on shore. The rest of the souldiers and horse will, . . . if they can, be landed this night, There being about 5 or 600 ashore already and are still landing.

BOOK V. SOCIAL AND ECONOMIC HISTORY.

A. LONDON LIFE.

1.

[The Court of Charles II. (a) "Memoirs of the Baronne d'Aulnoy" (1675), ed. G. D. Gilbert.]

The King had decided to honour the Prince of Neuburg by an excursion to Hampton Court, and at the ball the party had been arranged. The following evening everything was in readiness for them to proceed hither by water. Barges were in waiting, dressed with flags both striped and embroidered and hung with brocaded tapestries of rose colour and silver, their decks spread with Persian carpets, with a gold ground. When all the Court had taken its place an advance was made up the grand River Thames which is perhaps unique and is also the most beautiful in the world. The air resounded with agreeable Symphonies, Trumpets, Cymbals, Flutes, Violins, the Voice, Theorbos, Violas, and Harpsichords. . . . The foreign Prince much admired the beauty of the town and the great houses on the river banks with their balconies,—at this hour crowded with beautiful ladies, who delighted in seeing his Majesty in all his pomp, and in listening to the warlike clashing of the Cymbals and the gentler music of the violins.

[(b) "Memoirs of the Court of Charles II, by Count Grammont," written by Anthony Hamilton, 1704; ed. 1903, p. 173.]

The Court . . . was an entire scene of gallantry and amusements, with all the politeness and magnificence,

which the inclinations of a prince, naturally addicted to tenderness and pleasure, could suggest; the beauties were desirous of charming and the men endeavoured to please; all studied to set themselves off to the best advantage; some distinguished themselves by dancing . . . some by their wit, many by their amours, but few by their constancy. There was a certain Italian at Court, famous for the guitar; he had a genius for music and he was the only man who could make anything of the guitar, . . . The King's relish for his compositions had brought the instrument so much into vogue that every person played upon it, well or ill, and you were as sure to see a guitar on a lady's toilette as rouge or patches.

2.

[The Theatre. Play Bill of the New Theatre in Drury Lane. MS. at British Museum. Pressmark, Bks. 3, i.]

New Theatre Built. Thos. Killigrew got patent for it and called the King's Compy (10) wh opened 8 April 1663 on Thursday in Easter week.

The Bill—

By His Majesty's Company of Comedians at the new Theatre Drury Lane.

This day being Thursday April 8 1663 will be acted a Comedy called

The Humourous Lieutenant.

The King Mr. Wintersel

Demetrius — Hart

Seleucus — Burt

Leontius Major Niolum

Lieutenant Mr. Dun

Celea M^{rs}. Marshall.

The play will begin at 3 oclock exactly. Boxes 4/-. Pit 2/6. Middle Gall. 1/6. Up. G. 1/-.

3.

[Illustrations of London Life from the Diary of Samuel Pepys.
 "Pepys' Diary," iv. 109.]

April 14, 1664.

Up betimes, and after my father's eating something, I walked out with him as far as Milk Streete, he turning down Cripplegate to take Coach; and at the end of the Streete I took leave, being much afeard I shall not see him here any more, he do decay so much every day, and so I walked on, there being never a coach to be had till I came to Charing Cross, and there Col. Froud took me up and carried me to St. James's, where with Mr. Coventry and Povy, etc., about my Lord Peterborough's accounts. . . .

Thence walked with Creed to the Coffee House in Covent Garden, where no company, but he told me many fine experiments at Gresham College.

[*Ibid.*, p. 113.]

April 18, 1664.

Up and by coach to Westminster. . . . Thence . . . to Hide Park where I have not been since last year; where I saw the King with his periwig, but not altered at all; and my Lady Castlemaine in a coach by herself, in yellow satin and a pinner on, and many brave persons. And myself, being in a hackney and full of people, was ashamed to be seen by the world, many of them knowing me.

[*Ibid.*, vi. 185.]

February 17th, 1666-7 (Lord's Day).

This evening going to the Queen's side, to see the ladies, I did finde the Queene, the Duchesse of York and another or two at cards, with the room full of great ladies and men; which I was amazed at to see on a Sunday. . . . I did this day going by water read the answer to "The Apology for Papists," which did like me mightily.

[“Pepys’ Diary,” vi. 214.]

March 7, 1666-7.

. . . Thence to the Duke’s playhouse, . . . and I in, and find my wife and M^{rs}. Hewer, and sat by them, and saw “The English Princesse or Richard the Third,” a most sad, melancholy play, and pretty good, but nothing eminent in it . . . only little Mis. Davis did dance a jig after the end of the play . . . in boy’s clothes; and the truth is there is no comparison between Nell’s dancing the other day at the King’s house . . . and this, this being infinitely beyond the other.

[*Ibid.*, vii. 292.]24th January, 1667-8.

Up before day to my Tangier accounts, and then out and to a Committee of Tangier, . . . and thence to Westminster . . . and at the Swan I drank, and there met with a pretty ingenious young Doctor of physick by chance and talked with him and so home to dinner, and after dinner I carried my wife to the Temple, and thence she to a play, and I to St Andrew’s in Holborne . . . where the company meets to the burial of my cozen Joyce, . . . where there is to be a sermon of Dr Stillingfleet, . . . It being late . . . I away and to the King’s playhouse, to fetch my wife, and there saw the best part of the “Mayden Queene,”¹ which, the more I see, the more I love, and think one of the best plays I ever saw, and is certainly the best acted of any the house ever did and particularly Becke Marshall to admiration. Found my wife . . . and many fine ladies, and sat by Colonell Reames, who understands and loves a play as well as I, and I love him for it. And so thence home; and, after

¹ By Dryden.

being at the office, I home to supper, my eyes¹ being very bad again with over-working with them.

4.

[The Coffee Houses. (a) "The Character of a Coffee-House, with the Symptoms of a Town Wit, 11 April, 1673," in "Harleian Miscellany" (ed. T. Park), vi. 465.]

A coffee house is a lay-conventicle, good-fellowship turned puritan, ill-husbandry in masquerade; whither people come, after toping all day, to purchase at the expense of their last penny the repute of sober companions . . . a cabal for kittling criticks that have only learned to spit and mew . . . He, that comes often, saves twopence a week in Gazettes, and has his news and his coffee for the same charge . . . it is an exchange where haberdashers of political small-wares meet, and mutually abuse each other . . . a high court of justice where every little fellow in a camlet cloak takes upon him to transpose affairs both in church and state, to show reasons against acts of parliament and condemn the decrees of general councils.

[(b) "Coffee Houses Vindicated, 1675." *Ibid.*, p. 470.]

The dull planet Saturn has not finished one revolution through his orb, since coffee houses were first known among us, yet it is worth our wonder to observe how numerous they are already grown, not only here in our metropolis, but in both universities and most cities and eminent towns throughout the nation, nor indeed, have we any places of entertainment of more use and general conveniency, in several respects, amongst us.

First, in regard of easy expense . . . here, for a penny

¹ The failure of Pepys's eyesight led to the discontinuance of the Diary after 1669.

or two, you may spend two or three hours, have the shelter of a house, the warmth of a fire, the diversion of company and conveniency . . . of taking a pipe of tobacco . . .

Secondly for sobriety . . .

Lastly for diversion . . .

So that, upon the whole matter, spight of the idle sarcasms and paltry reproaches thrown upon it we may . . . give this brief character of a well-regulated coffee house . . . that it is the sanctuary of health, the nursery of temperance, the delight of frugality, an academy of civility, and free-school of ingenuity.

5.

[George Sitwell's complaint of the postal service. "Letters of the Sitwells and Sacheverells," ed. G. R. Sitwell, 1900.]

For the gentlemen who take care of the letters at the
Post office in London.

Gentlemen,

February 27th, 1663-4.

This that I am about to say doth not . . . reflect upon you; I beleeve you are carefull and faithfull in yo^r employment, for I have not had a letter fail'd that came into your hands this three or four years past. But the 13th instant I lay att the Grayhound in Holborne and sent a letter into the country thus directed viz—For Mr Francis Sitwell att Renishaw in Derbyshire nere Chesterfield. Being carefull of it I went myselfe to the stationers shopp at Gray's Inn Gate, who takes in lett^{rs} and found none within but a boy. I delivered it to him; when he had writt upon it, I asked him what he writt; he answered nothings but that he had added "3^d" to the "post paid." I am confident he made it away for when I came home my sonne had heard nothing of it. . . . I doubt not but you will procure him to be whipped, for

if he escape it may encourage him to play the Knave again.

6.

[Expenses in the Restoration Period, R. Sitwell to his sister, 6 April, 1675. *Ibid.*, p. 89.]

I am debtor to yo^r last kind letter, and to ye best of my remembrance you formerly gave for a Bed, soe if you please to shew this letter to my brother William, I question not but he will pay you what I owe for ballance of acc^{ott} as it shall be stated at close of my letter. . . .

I heare nothing that my Brother George intends to send my Cousin Frank this summer for Holland.

	£	s.	d.
For a silke vest	0	17	0
For a hat, silver Galloone and hat-case	0	13	6
A Porter			6
A Child's Coate		13	6
¹ Marriage Alamode		1	0
Combes and Brushes		1	10
Box and Porter		1	4

. . . Here is an excellent new fashioned Fringe with brave things to put on top of your bed, . . . It may be bought for £3 15, . . . they cannot be bought at the shoppes under £6.

B. COUNTRY LIFE.

1.

[Hawking. Earl of Arran to Ormonde, London, 15 October, 1681, H.M.C.R., Ormonde MSS., vi. 194.]

The king is grown a great lover of hawking and when he was at Newmarket, he saw a hawk of my Lord Freschville's fly so well which you gave him, that the king hopes you will make him a present of a cast.

¹ A comedy by Dryden acted at the Theatre Royal, 1673.

2.

[Racing. Letter from the Earl of Lindsey at Newmarket, 8 April, 1674, in reference to a slight hurt in the King's knee. H.M.C.R., xi. App. 7, MSS. of the Duke of Leeds, p. 9.]

Hee imputes it to a blow formerly received by a rackett in a tennis court. . . .

His Majesty's topping horse, Blewcapp, was beaten this day by a horse of my Lord Suffolk's call'd Cripple, which hath emptied my purse of twenty guinees. Tomorrow is the plate run for and Tom Elliott hath desired mee to bee his jockey.

[John Fisher to Sir C. Calthorpe, 9 March, 1679-80, *ibid.*, "Lestrange Papers," p. 104.]

The King and Duke and severall lords invited themselves last night to sup with my Ld Mayor, before they should leave the Town. . . . Tomorrow morning early their Majesties and his R.H. go for Newmarket, their forerunners being gone to-day, and their wagons yesterday. . . . This day his Majesty hath taken leave of the Councell for 3 weekes at least (though they will sit in his absence) and have put out 2 Proclamations one for giving £10 to any man that shall bring in a Highwayman or Robber, to bee punctually paid by the Sheriff 15 days after conviction and the other against Duells, and make any Actors or Abettors herein impardonable, where any person shall be killed.

3.

[Highwaymen in England, 1686. "The Verney Memoirs," 1664-96, ii. 345, 13 April, 1686.]

Last night about 6 miles from London the Dutch mail was robbed by 2 men, who gott a purchase of £10,000 in gold and Jewells, the letters are allmost all lost. There was one passenger rode with the Post Boy, and a Trooper was so kind as to accompany them, but not to defend

them. Sir Rob^t Knightly and his son in the day time last weeke was robb'd just by his country-house by 3 highway men, who commanded them out of his coach, and tooke neither Rings nor swords but money; they were very well mounted.

4.

[Duelling. Arran to Ormonde, 2 August, 1681. H.M.C.R., Ormonde MSS., vi. p. 117.]

Lord Hamilton Arran and my Lord Mordaunt fought this day with sword and pistol, neither hurt with shot, but both wounded with sword, Lord Arran through the thigh, the other through the arm and into the body, but, it is believed not mortal.

5.

[Sports and Pastimes of the English, mentioned in the account of the Great Frost of 1683-4. "Great Britain's Wonder," 1684 (Pamphlet).]

Behold the wonder of this Present Age
 A famous River now become a stage,
 Question not what I now declare to you
 The Thames is now both Fair and Market too. . . .
 There may you see the Coaches swiftly run,
 As if beneath the Ice were waters none. . . .
 There you may also this hard frosty winter
 See on the Rocky Ice a working Printer. . . .
 There is Bull-Baiting and Bear-Baiting too,
 That no man living yet ere found so true;
 And Foot Ball play is there so common grown,
 That on the Thames before was never known. . . .
 There roasted was a great and well fed oxe,
 And here with Dogs hunted the cunning Fox;
 Dancing o' th' Ropes and Puppit Plays likewise,
 The like before ne'er seen beneath the skies.
 There you may feast your wand'ring eyes enough
 There you may buy a Box to hold your snuff.

C. PROGRESS IN SCIENCE, ART, AND EDUCATION.

1.

[The Royal Society. (a) "Evelyn's Diary," i. 366, 13 August, 1662.]

Our Charter being now passed under the broad Seal constituting us a corporation under the name of the Royal Society for the improvement of natural knowledge by experiment, was this day read, and was all that was done this afternoon, being very large.

[*Ibid.*, p. 367, 21 August, 1662.]

I was admitted and then sworn one of the Council of the Royal Society being nominated in his Majesty's original grant to be of this Council for the regulation of the Society and making laws and statutes conducive to its establishment and progress. . . . Lord Viscount Brounker (that excellent mathematician) was also by his Majesty, our founder, nominated our first President.

[*Ibid.*, 5 October, 1664.]

To our Society there was brought a new-invented instrument of music, being a harpsichord with gut-strings, sounding like a concert of viols with an organ, made vocal by a wheel and a zone of parchment that rubbed horizontally against the strings.

[(b) "The History of the Royal Society," by Bishop Sprat, 1667.]

Their Method of Inquiry.

Whenever they could possibly get to handle the subject, the Experiment was performed by the Members themselves. The want of this exactness has very much diminish'd the credit of former naturalists. . . . In foreign and remote affairs . . . they have begun to settle a correspondence through all Countreys and have taken such order that in short time there will scarce be a ship come up the Thames,

that does not make some return of Experiments, as well as of Merchandize.

The Ceremonies of their Meetings.

The place where they hitherto assembled is Gresham College, where . . . the Royal Society has one public Room to meet in, another for a repository to keep their Instruments, Books, Rarities, Papers and whatever else belongs to them.

Their Directing Experiments.

It has been their usual course . . . to propose one week some particular Experiment to be prosecuted the next, and to debate before hand concerning all things what might conduce to the better carrying them on.

Their Judging of the Matter of Fact.

Those to whom the conduct of the Experiment is committed . . . do, as it were, carry the eyes, and the imaginations of the whole company into the Laboratory with them. And after they have performed the Trial, they bring all the History of its process back again to the test. Then comes in the second great work of the Assembly, to judge and resolve upon the matter of Fact.

The King's Example in promoting Experiments.

The King . . . has provok'd them to unwearied activity in their Experiments by the most effectual means of his Royal example. . . . They design the multiplying and beautifying of Mechanick Arts, and the noise of Mechanick Instruments is heard in Whitehall itself. . . . They purpose the trial of all manner of operations by fire, and the King has under his own roof found room for Chymical Operators. They resolve to restore, to enlarge, to examine physick; And the King has indow'd the Colledge of London with new privileges, and has planted a Physick Garden under his own eye. . . . They have begun an exact survey of the Heavens, and Saint Jameses Park may witness, that

Ptolemy and Alphonso were not the only Monarchs who observed the motions and appearances of the Stars.

[(c) Satire on the Royal Society, by Samuel Butler, entitled "The Elephant in the Moon" ("Remains," 1759).]

A learned man, whom once a week
 A hundred virtuosoes seek,
 And like an oracle apply to,
 T' ask questions, and admire and lye to,
 Who entertained them all of course,
 (As men take wives for better or worse)
 And past them all for men of parts
 Though some but sceptics in their hearts . . .
 . . . With these the ordinary debate
 Was after news and things of State,
 Which way the dreadful comet went
 In sixty-four and what it meant?
 . . . What is't that makes all fountains still
 Within the earth to run up hill,
 But on the outside down again
 As if th' attempt had been in vain?
 Or what's the strange magnetic cause
 The steel or loadstone's drawn or draws?
 . . . Whether the Moon be sea or land
 Or charcoal, or a quench'd firebrand,
 Or if the dark holes that appear
 Are only pores, not cities there . . .
 These were their learned speculations
 And all their constant occupations,
 To measure wind, and weigh the air
 And turn a circle to a square;
 And make a powder of the sun
 By which all doctors should b' undone;
 . . . To explicate, by subtle hints
 The grain of diamonds and flints
 And in the braying of an ass
 Find out the treble and the bass.

2.

[The Discovery of the Law of Gravitation by Sir Isaac Newton, and the connexion between Newton and the famous astronomer, Edward Halley. Preface to "A View of Sir Isaac Newton's Philosophy by H. Pemberton," 1728.]

The first thoughts which gave rise to his *Principia* he had when he retired from Cambridge in 1666. . . . As he sat alone in a garden, he fell into a speculation on the power of gravity: that as this power is not found sensibly diminished at the remotest distance from the center of the earth, to which we can rise, neither at the tops of the loftiest buildings nor even on the summits of the highest mountains; it appeared to him reasonable to conclude that this power might extend much farther than was usually thought, why not as high as the moon? . . . and if so her motion must be influenced by it, perhaps she is retained in her orbit thereby. . . . Some years after he resumed his former thoughts concerning the moon. Picart in France having lately measured the Earth by using his measures, the moon appeared to be kept in her orbit purely by the power of gravity. . . . Upon this principle [Newton] found the line described by a falling body to be an ellipsis, the center of the earth being one focus. And the primary planets moving in such orbits round the sun, he had the satisfaction to see, that this inquiry, which he had undertaken merely out of curiosity could be applied to the greatest purposes. . . . Several years after this,¹ some discourses he had with Dr. Halley . . . engaged Sir Isaac Newton to resume again the consideration of the subject and gave occasion to his writing the treatise which he published under the title of *Mathematical Principles of Natural Philosophy*.²

¹ i.e. 1684.

² Published in 1687.

3.

[St. Paul's Cathedral, rebuilt by Sir Christopher Wren. "Evelyn's Diary," 27 July, 1666.]

I went to St. Paul's Church, where, with Dr. Wren, Mr. Pratt, Mr. May, Mr. Thomas Chicheley, Mr. Slingsby, The Bishop of London,¹ The Dean of St. Paul's,² and several expert workmen, we went about to survey the general decays of that ancient and venerable church, and to set down in writing the particulars of what was fit to be done. . . .

Finding the main building to recede outwards, it was the opinion of Chicheley and Mr. Pratt that it had been so built *ab origine* for an effect in perspective, in regard of the height, but I was with Dr. Wren, quite of another judgment, and so we entered it; we plumbed the uprights in several places. When we came to the steeple, it was deliberated whether it were not well enough to repair it only on its old foundation, with reservation to the four pillars; this Mr. Chicheley and Mr. Pratt were also for, but we totally rejected it, and persisted that it required a new foundation, not only in regard of the necessity, but for that the shape of what stood was very mean, and we had a mind to build it with a noble cupola, a form of church-building not as yet known in England, but of wonderful grace; for this purpose we offered to bring in a plan and estimate, which after much contest, was at last assented to, and that we should nominate a committee of able workmen to examine the present foundation. This concluded, we drew all up in writing and so went with my Lord Bishop to the Dean's.

¹ Dr. Sheldon.

² Dr. Sancroft.

4.

[The art of Grinling Gibbons, and of Verrio. "Evelyn's Diary," ii. 169, 30 July, 1682.]

Went to visit our good neighbour, Mr. Bohun. . . . His lady's cabinet is adorned on the fret ceiling and chimney-piece with Mr. Gibbons' best carving.

[*Ibid.*, pp. 175-6, 16 June, 1683.]

I went to Windsor, dining by the way at Chiswick, at Sir Stephen Fox's, where I found . . . Signor Verrio, who brought his draught and designs for the painting of the stair case of Sir Stephen's new house. That which was new at Windsor since I was last there was the incomparable fresco in St. George's Hall representing the legend of St. George and Triumph of the Black Prince, and his reception by Edward III; the volto or roof, not totally finished; then the Resurrection in the chapel, where the figure of the Ascension is, in my opinion, comparable to any paintings of the most famous Roman masters; the Last Supper also, over the Altar. I liked the contrivance of the unseen organ behind the altar, nor less the stupendous and beyond all description the incomparable carving of our Gibbons, who is, without controversy the greatest master, both for invention and rareness of work that the world ever had in any age.

5.

[The art of Sir Peter Lely. Grammont, "Memoirs of the Court of Charles II," p. 191.]

There was in London a celebrated portrait painter, called Lely, who had greatly improved himself by studying the great Vandyke's pictures which were dispersed all

over England in abundance. . . . The Duchess of York being desirous of having the portraits of the handsomest persons at Court, Lely painted them and employed all his skill in the performance.

6.

[Agreement for the sale of the copyright of "Paradise Lost." B.M. Add. MSS., 18861.]

These presents made the 27th day of Aprill 1667 Between John Milton gentlⁿ . . . and Samuel Symons Printer. . . . That the said John Milton in consideration of five pounds to him now paid by the said Samuel Symons . . . doth give and assigne unto the said Samuel Symons . . . All that Book Copy or Manuscript of a Poem intituled Paradise lost . . . together with the full benefit profit and advantage thereof. . . . The said Samuel Symons . . . doth covenant with the said John Milton . . . to pay unto the said John Milton . . . the Sum of five pounds . . . at the end of the First Impression . . . which first impression shall be accounted to be ended when thirteen hundred Books of the said whole copy or manuscript imprinted [Five pounds to be paid to John Milton when each of the second and third impressions be ended, in the same manner]. . . .

Sealed and delivered in the presence of

John Turner

Benjamin Greene, serv^t to Mr. Milton.

John Milton.¹

(*Seal of Milton.*)

¹ Signed by amanuensis, as the Poet was blind.

7.

[The publication of Dryden's "Absalom and Achitophel," 1681.
Character of the Duke of Buckingham.]

In the first rank of these did Zimri stand
A man so various that he seemed to be
Not one, but all mankind's epitome:
Stiff in opinions, always in the wrong,
Was everything by starts and nothing long;
And in the course of one revolving moon
Was chymist, fiddler, statesman and buffoon . . .
Railing and praising were his usual themes,
And both, to show his judgment, in extremes:
So over violent and over civil
That every man with him was God or Devil.
In squandering wealth was his peculiar art;
Nothing went unrewarded but desert.
Beggared by fools whom still he found too late,
He had his jest and they had his estate.
He laughed himself from Court;¹ then sought relief
By forming parties, but could ne'er be chief:
For spite of him, the weight of business fell
On Absalom and wise Achitophel;
Thus wicked but in will, of means bereft,
He left not faction, but of that was left.

8.

[Appointment of Henry Purcell, organist of Westminster Abbey,
to be organist at the Chapel Royal. "The Old Cheque Book of
the Chapel Royal," ed. E. Rimbault (1872).]

Mr. Edw. Lowe, Organist of his Maties Chappell Royall,
departed this life at Oxford the 11th day of July 1682, in
whose place was sworne Mr. Henry Purcell, the 16th of
Sept. 1682, but to take place according to the date of his
warrant which was the 14th of July 1682.

¹ He was banished from Court in 1674.

9.

[Visit to Oxford. "Evelyn's Diary," i. 383, 24 September, 1664.]

We went in the evening to Oxford. . . . We were handsomely entertained two days. . . . I went to visit Mr. Boyle,¹ whom I found with Dr. Wallis,² and Dr. Christopher Wren in the tower of the Schools, with an inverted-tube or telescope observing the discus of the Sun for the passing of Mercury that day before it, but the latitude was so great that nothing appeared; so we went to see the rarities in the Library. . . . Thence to the New Theatre, now building at an exceeding and royal expense by the Lord Archbishop of Canterbury, [Sheldon] to keep the Acts in for the future. . . . The whole [had been] designed by that incomparable genius, my worthy friend, Dr. Christopher Wren, who showed me the model, not disdaining my advice in some particulars. . . . Thence to Wadham and the Physic Garden, where were two large locust trees, and as many plane trees, and some rare plants under the direction of Old Bobart.³

10.

[The encouragement given by Charles II to the study of Mathematics. *Ibid.*, ii. 263, 10 March, 1686-7.]

I went this evening to see the boys and children at Christ's Hospital. There were near 800 boys and girls so decently clad, cleanly lodged, so wholesomely fed, so admirably taught, some the Mathematics, especially the forty of the late King's foundation, that I was delighted to see the progress some little youths . . . had made. Some [boys] are taught for the Universities, others designed for seamen, all for trades and callings.

¹ Robert Boyle of the Royal Society.

² The famous mathematician.

³ First Keeper of the Physic Garden at Oxford.

D. ECONOMIC ACTIVITIES.

1.

[Arguments in favour of the Enclosure System and against the trade with France. "England's Interest and Improvement consisting in the Increase of the Store and the Trade of this Kingdom," by Samuel Fortrey, 1663.]

The First of our Natural Store and . . . the annual profit and increase of the soil of this kingdom consists chiefly in corn . . . flax, hemp, hops, wooll . . . the best sorts of cattel . . . and the greater our increase is of any of these commodities, the richer may we be ; for money and all forein commodities that come hither are onely bought for the exchange of our own commodities. And might we freely have the liberty to export them we should find thereby a profit. . . . [Argument for Enclosures follows.]

Wherefore, if by enclosures the land is raised to a greater value . . . and if it . . . causeth no depopulations . . . and if the manufactures and other profitable employments of this nation are increased, by adding thereto such numbers of people who formerly served only to waste, not to increase the store of the nation, it cannot be denied, but the encouragement of enclosure, where every man's just right may be preserved, would infinitely conduce to the increase and plenty of this nation. . . .

The chief manufactures among us at this day are onely woollen clothes, woollen stuffs of all sorts, . . . and some silk stuffs . . . and these [are] so decayed . . . that they are almost out of esteem. And this because forein commodities are grown into so great esteem amongst us. [Here follows a list of the French goods transported . . . into England, i.e. cloths, silks, serges, felt hats, feathers, gloves, and other manufactures, also wines, salt, etc.]

By this calculation it doth appear that the yearly value

of such commodities as are transported from France to England amount to above six and twenty thousand pounds. And the commodities exported out of England into France, consisting chiefly of woollen clothes . . . do not amount to above ten thousand pounds a year. . . . But most of these evils would be easily prevented if onely his Majesty would be pleased to commend to his people, by his own example, the esteem and value he hath of his own commodities in which the greatest courtier can be as honourably clad as in the best dress, Paris, or a French taylour can put him in.

2.

[Woollen Manufacture. "The Trade of England Revived, and the Abuses thereof rectified in relation to wooll and woollen Cloth, Silk and Silk-Weavers, . . . Companies, Markets, Linen-Cloth," 1681. Pamphlet B.M. 712, f. 16 (20).]

1. The Clothing Trade. . . .

I begin with this Trade because it is like the water to the mill that driveth round the wheel of all other Trades, For by this the Poor hath Money of their own earning without being burthensome to the Parish. . . . Now it is granted by all men that this [the Transportation of Wooll] is one great Hindrance of this Trade, for hereby there is not only Cloth made with our wooll, which might have been made by our own People, but by mixing our wooll with the wooll of other Countreys there is almost twice as much Cloth made as otherwise there could be . . . and our English cloth is a . . . drug in all places, as now it is.

[Discussion of the Dutch and French competition, with quotations from S. Fortrey.]

This trade is very much hindered by our own People, who do wear many Foreign Commodities instead of our own; as may be instanced in many Particulars, viz. Instead of Green Serg that was wont to be used for Chil-

drens Frocks, is now used Painted, and Indian stained and striped Calico, and instead of a Perpetuana . . . to lyne Men's Coats with, is used sometimes a Glazened Calico, which in the whole is not above twelve pence cheaper and abundantly worse. . . . And sometimes is used a Bangale [Bengal] that is brought from India.¹

3.

[“A True Representation of the manufacture of Combing and Spining of Wooll.” Pamphlet B.M. 816, m. 14 (53).]

That the woollen manufacture is supposed to employ half the working hands in England, and that the manufacture of Combing and Spining of wooll Employs Two Thirds of those People. . . . Which manufacture of Combing and Spining will be in Danger of being Lost if a Clause be not put into the Callico Bill to prohibitt the Importing of Indian Cotton Yarn, or that a duty be laid upon Cotton Yarn imported. . . . For if a Clause be not put in to that Effect, such quantities of India Cotton Yarn will be imported as will entirely destroy the manufacture of Fine Woollen Yarn. . . .

All which is humbly presented to the British Legislators.

¹ The woollen manufacturers had already begun to realize the menace of East Indian competition.

BOOK VI. TRADE AND COLONIES.

[Book VI is merely intended to indicate the chief features of the Old Colonial System during the Restoration period when State control was pre-eminently important. For further details of the administration see G. L. Beer, "The Old Colonial System" (1912), C. M. Andrews, "British Committees, Commissions and Councils of Trade and Plantations," Johns Hopkins University Series, no. 26 (1908), and "The Colonial Period" (1912), also H. E. Egerton, "British Colonial Policy" (1913). For the history of the American colonies, see W. Macdonald, "Documentary Source Book of American History" (1908), Osgood, "The American Colonies in the Seventeenth Century" (1907), and Bolton and Marshall, "The Colonization of North America" (1920).]

A. ADMINISTRATION.

1.

[The Navigation Act of 1660. "An Act for the Encouraging and Increasing of Shipping." S.R., 12 Car. II, c. 18.]

. . . Bee it enacted . . . that from [1 December, 1660]
. . . noe goods shall be imported into or exported out of
any Lands Islelands Plantations or Territories to his
Majesty belonging . . . in Asia Africa or America in any
other ships . . . but in such . . . as doe truly belong to
the people of England or Ireland, Dominion of Wales or
Towne of Berwick upon Tweede or are of the built of and
belonging to any of the said Lands Islands Plantations or
Territories as the Proprietors and Right Owners thereof
and whereof the Master and three-fourths of the Mariners
at least are English under the penalty of forfeiture of
[the goods and the ship]. . . .

III. And it is further enacted . . . that noe Goods . . . of the Growth Production or Manufacture of Africa Asia or America or of any part thereof . . . be Imported into England Ireland or Wales Islands of Guernsey or Jersey or Towne of Berwicke upon Tweede in any other ship . . . but in such as doe truely . . . belong onely to the people of England or Ireland, Dominion of Wales or Towne of Berwicke upon Tweede, or of the Lands Islands Plantations or Territories in Asia Africa or America to His Majesty belonging as the proprietors and right owners thereof, [master and three fourths of mariners to be English; penalty as above].

[IV. Goods of foreign growth or manufacture to be imported only from the places of their growth or from those ports where they have been usually first shipped. Detailed instructions as to the trade with "Aliens."]

XVIII. And it is further enacted . . . That from and after the first day of Aprill [1661] noe Sugars Tobaccho Cotton Wool Indicoes Ginger Fustick or other dyeing wood of the Growth Production or Manufacture of any English Plantations in America Asia or Africa shall be shipped carryed conveyed or transported from any of the said English Plantations to any Land Island Territory Dominion Port or place whatsoever other than to such English Plantations as doe belong to His Majesty, His Heires and Successors or to the Kingdome of England or Ireland or Principallity of Wales or Towne of Berwicke upon Tweede . . . [Penalty as above].

XIX. And be it further enacted . . . That for every Ship . . . which from and after [25 December, 1660] shall set saile out of or from England Ireland Wales or Towne of Berwicke upon Tweede for any English Plantation in Asia America or Africa sufficient bond shall be given with one surety to the cheife Officers of the Custome House of such port or place from whence the said ship shall set saile

to the value of one thousand pounds if the ship be of less burthen than one hundred Tuns and of the summe of two thousand pounds if the ship be of greater burthen; That in case the said ship . . . shall loade any of the said comodities at any of the said English Plantations that the same commodities [shall be landed in England, Ireland etc.] And for all ships coming from any other Port or Place to any of the aforesaid Plantations who by this Act are permitted to trade there, that the Governour of such English Plantation shall before the ship . . . be permitted to loade on board any of the said comodities take bond for each ship. . . . That such ship . . . shall carry all the aforesaid Goods . . . to some or other of His Majestyes English Plantations or to England Ireland [etc.] . . . and the said governours . . . shall twice in every year after [1 January, 1660-1] returne true Copyes of all such Bonds by him soe taken to the Chiefe Officers of the Custome in London.

2.

[The Committee of the Privy Council for Trade and Foreign Plantations. P.C.R., liv. 63, 4 July, 1660.]

Upon a peticon presented to his Matie by diverse merchants and others interested in and trading to the English Plantations in America (exposing the good behaviour . . . of Coll. James Russell late Governor of the Island of Nevis in the West Indies) and humbly beseeching His Matie to graunt his Commission for contynuanee of him the said Coll. Russell in the Government of the said Island, His Matie this day sitting in Councill hath appointed the Lord Chamberlain, The Earle of Southampton, The Earle of Leicester, the Lord Viscount Say and Seale, the Lord Roberts, Mr. Denzil Holles, Mr. Secry Nicholas, Mr. Secry Morrice, Mr. Arthur Annesley, and Sir Anthony Ashley Cooper, or any three or more of them to meet and sitt as

a Comittee every Monday and Thursday at 3 of the Clock in the afternoone to receive beare examine and deliberate upon any petitions . . . which shall be presented or brought in by any person or persons concerning the plantacōns as well in the continent as islands of America and from tyme to tyme make their report to this Board of their proceedings.

3.

[In addition to the standing committee for Trade and Foreign Plantations, a Council of Trade and a Council for Foreign Plantations were appointed in 1660. These bodies lasted until 1667, when the Privy Council resumed control of Plantation affairs. Ashley, later Shaftesbury, advised the formation of a Council to deal with both Trade and the Plantations, and in 1670 and again in 1672 such a Council was set up. After Shaftesbury's fall in 1674 the King revived the Committee system and appointed a Committee for Trade and Plantations which superintended the working of the old Colonial System until 1696, when the Board of Trade was founded—see the records of these bodies, C.O. Series 1, General Series (1660-96); C.O. Series 389, Entry Books, Commissions, etc. (16·0-1738); C.O. Series 391, Minutes (1675-1768); P.C.R., vol. liv. (*passim*). The following letter from Charles II in Council to the Lord Mayor and Aldermen of London relates to the formation of the Council of Trade, which was established on 7 November, 1660. P.C.R., liv. 131, 17 August, 1660.]

His Majesty having this day taken into his princely consideration how necessary it is for the good of the kingdom, that Trade and Commerce with foreign parts, be with all due care, incouraged and maintayned, And for the better settling thereof declared his gracious intention to appoint a Committee of understandingable persons to take into their consideration all things conducible thereunto; We do by his Mat^s special command . . . desire you to give notice hereof unto the Turkey Merchants, the Merchant Adventurers, the East India, Greenland, and Eastland Companys, and likewise to the unincor-

porated Traders, for Spain, France, Portugal, Italy and the West India Plantations; willing them out of their respective societies to present unto his Majesty the names of fower of their most knowing active men (of whom when his Majesty shall have chosen two and unto this number of merchants added some other able and well experienced persons, dignified also with the presence and assistance of some of his Majesty's Privy Council). All these to be . . . appointed as a Standing Committee to enquire into and rectify all things tending to the Advancement of Trade and Commerce; that so . . . His Majesty may . . . insert into the several Treatys such Articles as may render this nation more prosperous and flourishing in Trade and Commerce.

4.

[The Select Council of Trade and Plantations. "Shaftesbury Papers,"
x. 505.]

Lord Shaftesbury had always been zealous for supporting and extending the trade and Navigation of England, and had attained such a knowledge in every branch of it, that the King by a Commission under the Great Seal dated September 27th, 1672 appointed him President of ye Select Council for Trade and for the care and improvement of the Plantations in the room of his friend the Earl of Sandwich; Lord Culpeper was Vice President and Lord Gorges, Lord Allington, Mr. Brounker, Mr. Humphrey Winch and Sir John Finch, Mr. Waller, Mr. Slingsby, Colonel Titus and Mr. Evelyn were the rest of the Council, and Mr. Locke ¹ by Lord Shaftesbury's interest was made Secretary.

¹ John Locke, the philosopher.

5.

[The Committee of the Privy Council for Trade and Plantations. C.O. 391, "Minutes of the Committee for Trade and Plantations," i. 4. The Series C.O. 391 is the series of Journals of the Committee founded in 1675 and of the Board of Trade, 1696. The first volume opens, on 12 March, 1674-5, with a commission for dissolving the late Council for Trade and Plantations founded on 27 September, 1672.]

The Rt Honble the Lord Keeper of the Greate Seale of England this day acquainted the Board of His Maty's command that His Maty having been pleased to dissolve and extinguish His late Councill of Trade and Foreign Plantations, whereby all matters under their cognisance are left loose and at large, hath thought fitt to comitt what was under their inspection and management to the Committee of this Board appointed for matters and relating to Trade and His Foreign Plantations, viz. the Lord Chancellor, the Lord Treasurer, Lord Privy Seale, Duke of Lauderdale, Duke of Ormond, Marquis of Worcester, Earl of Ossory, Lord Chamberlain, Earl of Bridgwater, Earl of Essex, Earl of Carlisle, Earl of Craven, Visct Fauconberg, Vist Hallifax, Lord Berkeley, Lord Holles, Mr. Vice Chamberlain, Mr. Secry Coventry, Mr. Secry Williamson, Mr. Chancellor of the Exchequer, Mr. Chancellor of the Dutchy and Mr. Speaker. . . .

And that they have all power to send for all books, papers, and other writings, concerning any of His Maty's said Plantations in whosoever custody they shall be informed the same do remain.

6.

[The Plantation Duty was levied when the exporter of goods from the plantations could not produce a sufficient bond to bring the goods to England, and it was intended to prevent the planters trading with countries other than England. The system of taxing the

colonial trade by means of plantation duties lasted until 1846.

"An Act for the Incouragement of the Greeneland and Eastland Trades and for the better secureing the Plantation Trade." S.R., 25 Car. II, c. 7.]

V. [Recital of 12 Car. II, c. 18, § 18 and 22 and 23 Car. II, c. 26, § 8 which acts the Planters have infringed by trading directly with European countries other than England.] For the prevention thereof wee Your Majesties Commons assembled in Parliament doe pray that it may be enacted, and bee it enacted by the Kings Most Excellent Majesty, by and with the advice and consent of the Lords Spirituall and Temporall and Commons in this present Parlyament assembled and by authoritie of the same That from [1 September, 1673] If any Ship or Vessell which by Law may Trade in any of Your Majesties Plantations shall come to any of them to shipp and take on board any of the aforesaid Commodities [as enumerated 12 Car. II, c. 18, § 18], and that Bond shall not be first given with one sufficient surety to bring the same to England or Wales or the Towne of Berwicke upon Tweede and to noe other place, and there to unloade and put the same on shore (the danger of the Seas always excepted) that there shall be answered and paid unto Your Majestie your Heires and Successors for soe much of the said Commodities as shall be loded and putt on board such Shipp or Vessell these following Rates and Duties. . . . [List given.]

VI. And for the better collection of the severall Rates and Dutyes aforesaid Bee it enacted. . . . That this whole business shall bee ordered and managed and the severall Dutyes hereby imposed shall be caused to be leavyed by the Commissioners of the Customes of England, now and for the time being by and under the authoritie and direction of the Lord Treasurer of England or Commissioners of the Treasury for the Time being.

B. THE WORKING OF THE OLD COLONIAL SYSTEM
OVERSEAS. THE WEST INDIES.

1.

[Dissolution, 13 June, 1663, of the Patent granting to the Earl of Carlisle the proprietorship of the Caribbean Islands. C.O. Series 1, vol. 17, no. 43.]

His Majesty having this day in Council heard ye several pretensions of the Earl of Kenoul, the Lord Willoughby of Parham, and of all others who claime Title or Interest in ye Caribe Islands, under any grant from the Late King of Blessed Memory, . . . was pleased to declare, That the annual profits which shall arise from ye Planters and inhabitants of ye Caribe Islands and be payable then to the Crowne, shall be divided into two parts. The one moyety thereof shall be duly received by the said Lord Willoughby of Parham to his owne use dureing the remainder of ye lease by which the same is demised unto him, and after ye expiration of that tenure the said moyety of ye Customes is to be entirely reserved in his Majesty's dispose towards ye support of ye Government of ye said Island. The second moyety shall be thus disposed of, viz., First to the Earle of Marlborough three hundred pounds p. annum dureing his life and after his decease to his uncle William Lea dureing his life w^{ch} annuity of three hundred pounds . . . is to be put yearly by way of preference before any of ye following.

Assignments to the Earl of Kinnoul the Creditors, the same being agreed by ye late Earle of Carlisle before ye grant of his L^{res} Patents to be paid to James, Earle of Marlborough Ld Treasurer of England and Grandfather of ye Earl. Secondly to the Earl of Kenoul five hundred pounds yearly untill such time as all the Creditors to ye late Earle of Carlisle be fully satisfied, w^{ch} five hundred

pounds is to be paid yearly before anything be received of ye Creditors of ye said Earle of Carlisle towards satisfaction of their debts. And after ye Debts to those Creditors shall be fully discharged, the Earle of Kenoul is to have one thousand pounds p. annum to himsele and his heires for ever . . . which . . . is in consideration of the surrender of ye said patent granted to the Earl of Carlisle, the remainder of the said grant being in ye sd Earle of Kenoul after ye Debts paid.

Lastly to the Creditors of the said Earle of Carlisle . . . two thirds of ye Principall money due to them by ye said Earle as it hath been adjudged then by severall in Chancery.

Which 2nd moiety of ye Customs of ye said Caribbee Islands after satisfaction of ye said Creditors is likewise to revert to the Crowne excepting only ye thousand pounds per annum granted in perpetuity to ye Earl of Kenoul and his heirs.

2.

[The abolition of the Proprietary Government in Barbados, which was effected by the dissolution of the Patent to the Earl of Carlisle, led to the passing of an act (1663) which imposed an export duty of 4½ per cent. on all the commodities of Barbados. In 1664 the Leeward Islands agreed to pay this duty. See C. S. S. Higham, "The Development of the Leeward Islands under the Restoration," 1921. Lord Willoughby to Charles II, 10 September, 1663. C.O., Series 1, xvii. 78.]

I arrived at your Island of Barbadoes the tenth of August. . . . I called together the Assembly which I found in being. . . . They have agreed to leavy a custom of foure and a half p. cent of all the commodities of the growth of this island . . . We hope it may be advanced hereafter if your Majesty grant them some privileges which the Act of Navigation doth debarr them of.

3.

[The Separation of the Leeward Islands from Barbados and the Windward Islands. C.O., Series 1, xxvi. 11, 31 January, 1670-1.]

Instructions to our Trusty and well beloved S^t Charles Wheeler Baronett one of the Captaines of our Guards and Governor in Chiefe of our Leeward Islands in America.

1. With these our Instructions you will receive our Commission, under our Great Seale of England constituting you our Captaine Generall and Governor in Chiefe in and over our Islands of S^t Christopher, Nevis, Montserrat, Antego, Barbudo and Anguilla and all other the Caribbee Islands lying to Leewards from Guadeloupe to the Island of S^t John de Porto Rico. . . .

And being arrived [at Nevis] you are to . . . call together the present Councill of the Island and with due solemnity cause our said Commission under our Great Seale constituting you our present Captain Generall and Governor in Chiefe . . . letting them know the great care wee have had of their security . . . in the separating of the Government of our Said Leeward Islands from that of the Barbadoes. . . .

[Directions for the good government of the islands and for the supervision of trade.] . . .

And You shall cause the late Treaty¹ for the composing of Differences, restraining of Depredations and the Establishing of Peace in America concluded at Madrid the 8-18 day of July 1670 between us and the Crowne of Spaine to be published. . . .

And . . . you are likewise at the time of the publication of the said Treaty . . . to revoke . . . all letters of Reprisall or Mart . . . being to the prejudice of the King of Spain or any of his subjects.

¹ The first Anglo-Spanish Treaty which admitted the right of England to trade and hold lands in the New World.

Our Will and Pleasure is . . . that you . . . observe all the Articles contained in the said Treaty for the establishing of Peace in America between us and the Crowne of Spaine.

4.

[Barbados. Description of Government and Trade. Governor Sir Jonathan Atkins to the Lords of Trade and Plantations, 4-14 July, 1676. C.O., Series 389, Entry Book, vol. 9.]

The Councill consists of twelve of the Principall or so esteemed of ye Island, . . . The Assembly consists of two and twenty, two being chosen in every Parish or by the voyce of the Freeholders. . . . When . . . [a law] is three times past the house they present it to the Governor and Councill and if the Councill approve it . . . he sets the king's stamp upon it by consenting to it. . . .

The Court of Admiraltie is held by a Commission from His Royal Highnesse, the Duke of Yorke, as Admirall of these parts. Uppon the Receipt of my Commission from the King. . . . His Royall Highnesse . . . gave order for a Commission to be drawne whereby he makes me his Vice Admirall in the Carribbee Islands, and to erect a Court of Admiralty and to appoint officers. . . .

The Commodities this Countrey produces are Sugars, Cotton, Ginger, and some Indicoes. Manufactures there are none. To give Your Lordships the value of what is imported or exported, is almost an Impossible thing, for no man will discover to ye his estate . . . nor can I find a way to compute it, but by the Customes which are most paid in England or accompted to men from hence by their owne officers employed here for that purpose or by the farmers of the 4 and $\frac{1}{2}$ p cent who for their ferme sake will hardly be induced to doe it.

5.

[The constitutional struggle in Jamaica. In 1677 the King ordered that laws were to be made by "the King's Most Excellent Majesty by and with the consent of the General Assembly," instead of by "The Governor's Council and Representatives of the Commons of this Island now Assembled." For the constitutional struggle and victory of the Jamaicans, see Beer, i. 209-20. "The State of the Business in Jamaica presented to His Maty in Counsell on 2 April, 1679." C.O., Series 1, xliii. 39.]

By my Lord Vaughan's Commission the Assembly of Jamaica was empowered to make Laws for two years by the advice and consent of the Governor and Councill; His Maty finding the inconveniences that did arise from that power and manner of making Laws was pleased with the advice of the Committee of Plantations, to provide by the Earl of Carlisle's Commission that noe laws should be enacted in Jamaica but such as being framed by the Governor and Councill and transmitted unto His Maty for his Royall Approbation, were afterwards remitted to Jamaica and consented unto by the Assembly there according to the usage of Ireland. . . . In pursuance thereof the Earle of Carlisle carried over a body of laws which had passed the Greate Seale of England. Which laws upon his Lordship's arrival have been rejected by the General Assembly, who have, by an address, declared that they contained divers fundamental Errors, and that the method of passing them was impracticable. All which the Earle of Carlisle has signified by divers letters unto Mr Sec^{ry} Coventry, and to the Committee of Plantations, with his opinion that the distance of the place renders the present manner of making laws altogether impracticable and desiring a General Instruction to call another Assembly and to rescind and make what laws are fit for the place, which is according to the former practice of making laws and disagreeable to his Lordps Commission.

6.

[Commission to the Earl of Carlisle, agreeing with the substance of his petition. Jamaica. Entry Books of Commissions, Correspondence, etc. C.O., Series 138, i. 447-50, 3 November, 1680.]

You are to endeavour . . . the passing of a Public Revenue in such terms as may render it perpetual. And our express will and pleasure is that you transmute authentick copies under the Publick Seale of all Laws and Ordinances which shall bee made and enacted within Our said Island unto us and the Lords of our Privy Council appointed a Committee for Trade and Foreign Plantations. . . . And you are to observe in ye passing of Laws that the stile of enacting ye same "By Governor, Council and Assembly" be henceforth used and no other.

7.

[(a) Spanish outrages on the English traders in the West Indies formed the subject of frequent complaints to the Lords of Trade during this period. Cal. S.P. Col., W.I. and America, 1681-5, no. 1067, 8 May, 1683.]

Draft of a memorial to the Spanish Ambassador read as to the injuries done by the Spaniards to the English in the West Indies. The Lords ordered the Treaty of 1670 to be examined and the Articles infringed to be pointed out, as also the breach of the capitulation to be adverted to; and that Sir Henry Goodricke, the Ambassador in Madrid be order'd to report what he knows about the complaints of the English.

[(b) Reply of Goodricke, *ibid.*, no. 1068, encloses the narrative of a certain Captain Zoby.]

Narrative of Zoby. Was on a voyage to the West Indies in 1678 but was forced into Rio de la Plata to victual. While at anchor the ship was seized in spite of

her passport from the English Admiralty and sold. . . .
No justice is to be looked for from Spain.

8.

[The increased duty on sugar and tobacco was levied in 1685 (1 Jac. II, c. 4) at the suggestion of Dudley North, Commissioner of Customs. Petitions against the increased tobacco duty may be found in the Journals of the Assemblies of Virginia, Barbados and Jamaica. C.O., Series 389, ix. 277.]

The Reports of the Commissioners of Customs upon the several Addresses from Virginia and Barbadoes and from the Virginia Merchants touching the new Imposition by the late Act of Parliament upon Sugar and Tobacco are read setting forth their opinion that it is not adviseable to make any alteration of the Dutys as they now stand until His Majesty shall have had experience of it at least a year. Wherein their Lordships do concur with the Commissioners of Customs.

9.

[The colonists were not allowed to develop manufactures but were required to furnish raw materials for the Mother Country. C.O., Series 138, v. 147.]

At a meeting of the Committee for Trade and Plantations (Jamaica). A Report from the Commissioners of Customs . . . upon a letter from Coll. Molesworth of 17th January [1685-6], with proposals for erecting a cotton manufacture in Jamaica, is read, setting forth their opinions that the encouragement of such manufacture in the Plantations will influence the exportation of Linen from hence and consequently concern his Majesty's Customs here, and that the more manufactures of this kind are encouraged in the Plantations, the less dependence they will have upon England.

10.

[The Mainland Colonies of North America. Virginia. Bacon's Rebellion. (See Osgood, iii., and Fiske, "Old Virginia," ii.) Letter to Sir J. Williamson from W. Sherwood, James City, Virginia, 1 June, 1676. C.O., Series 1, xxxvii. no. 1.]

A nation of Indians called Susquehannas haveing killed some of ye inhabitants of this country were pursued and severall of them destroyed by the English and Sir William Berkeley our hon^{ble} Generall, who hath had long experience of warr with ye Indians that he might p^{ro}vide for ye safety of this countrey caused our Assembly who are our Representatives to meete in March last who enacted y^t forts should be built at ye heads of severall Rivers, being the most probable way for security of our fronteere plantations, but as noe good lawes can be so made to please all men . . . One Nathaniell Bacon, Jun^r., a person . . . but of two years continuance in this country . . . hath stirred up a great number of disaffected persons to obstruct ye proceedings upon ye Acts of Assembly raising forces by beate of drum, marching in a warr-like posture, in terror of his Maties good subjects, the intent of which is . . . ye subversion of the Lawes and to levell all.

11.

[Charles II to the Governor of Virginia, touching Imports and Exports and the work of the Naval Officer, 16 November, 1676. Virginia, Entry Books, C.O., Series 5, vol. 1355, p. 402. (See Beer, i. 267-72.)]

Whereas we have appointed a Committee of the Privy Council for the inspection and management of matters relating to Trade and Foreigne Plantations, and it being represented to Us, that notwithstanding Our special orders and instructions heretofore given, yet many of Our officers in the Plantations have been remiss in their Duties which oblige them to give an exact account of the Course of Trade within Our Plantations, Our Royall Will and

Pleasure therefore is, that you doe not faile to direct the Navall Officer within your Government to make due Entries and keep particular acc^{ots} of all commodities whatsoever imported and exported within the same, and of the shipping on which they are laden, with their names, burthen and guns, from whence they come, and whither bound, and that you fail not to transmit the said accounts unto the Lords of our Committee for Trade and Plantations quarterly. And . . . you are to appoint fit officers for the same where they shall be wanting.

12.

[Dissolution of the Assembly of Virginia after the very stormy session of 1685. C.O., 389, ix. 398, 1 August, 1686.]

The king to the Governor, Lord Howard of Effingham. Right trusty and well Beloved we greet you well.

Whereas we have been informed of the irregular and tumultuous proceedings of the House of Burgesses in the late meeting of the Assembly of Virginia, the members thereof having presumed to raise contests touching the Power of the Negative Voyce wherewith our Governor of that our colony is entrusted by us. . . . Wherefore we . . . charge . . . you to dissolve this present Assembly to the end the inhabitants of that our colony may have opportunity of electing other members as may have a more careful regard to the service and the good of our colony.

13.

[Charter of the Proprietary Colony of the Province of Pennsylvania granted 4 March, 1681-2. During the Restoration period charters were granted by the King to Connecticut, Carolina, Rhode Island, and Providence, as well as to Pennsylvania. The religious toleration which William Penn offered to all Christian planters marks off the colony of Pennsylvania as an unique settlement. "Charter and Laws of Pennsylvania," Harrisburg, 1879, p. 81.]

Charles the Second, by the Grace of God, king of England Scotland France and Ireland, Defender of the Faith

etc. to all to whome these presents shall come, Greeting. Whereas our Trustie and well-beloved subject, William Penn, Esquire, sonn and heire of Sir William Penn, deceased, out of a commendable desire to enlarge our English Empire, and promote such usefull commodities as may bee of benefitt to us and our Dominions, as alsoe to reduce the savage Nations by gentle and just manners to the love of civill societie and Christian religion, hath humbly besought leave of us to transport an ample colonie unto a certaine countrey hereinafter described, in the parts of America not yet cultivated and planted . . . wee of Our special grace, certaine knowledge, and meere motion, Have given and granted, and by this Our present charter, Doe give and grant unto the said William Penn his heires and assignes all that Tract or parte of lande in America with all the islands therein contained as the same is bounded on the East by Delaware River from twelve miles distante Northwarde of New Castle Towne unto the three and fortieth degree of Northerne latitude if the said River doth extend so farre Northwards, But if the said River shall not extend soe farre Northward then by the said River soe farr as it doth extend and from the head of the said River the Easterne Bounds are to be extended by a Meridian Line, to bee drawne from the head of the said River unto the three and fortieth degree, the longitude to bee computed from the said Easterne Bounds and the said lands to bee bounded on the North by line of three and fortieth degree of northern latitude and on the South by a circle drawn at twelve miles distant from Newcastle Northwards and Westwards into the beginning of the fortieth degree of northerne latitude and then by a straight line Westward to the limit of longitude above mentioned. . . . Him the said William Penn, his heires and assignes, We do by this our Royall Charter, for us our heires and successors, make create and constitute the true and absolute Proprietaries of the country

aforesaid . . . saving to us our heires and successors the faith and allegiance of the said William Penn. [Power to make laws, erect counties, incorporate towns, import and export goods etc. etc. herewith granted to the aforesaid William Penn.]

14.

[Laws agreed upon in England for Pennsylvania, 3 May, 1682.

"Charter and Laws of Pennsylvania," Harrisburg, 1879, p. 99.]

1st That the charter of liberties declared, granted and confirmed the [25th day of April] 1682 before divers witnesses by William Penn governor and chief proprietary of Pennsylvania to all the freemen and planters of the said province, is hereby declared and approved and shall be forever held for fundamental, in the government thereof according to the limitations mentioned in the said charter.

2nd That every inhabitant in the said Province, that is or shall be purchaser of one hundred acres of land or upwards, his heires and assignes, and every person who shall have paid his passage and taken up one hundred acres of land at one penny an acre, and have cultivated ten acres thereof, and every person that hath been a servant or bondsman and is free by his service, that shall have taken up his fifty acres of land, and cultivated twenty thereof, and every inhabitant, artificer, or other resident in the said province, that pays scot and lot to the government, shall be deemed and accounted a freeman of the said province; and every such person shall and may be capable of electing or being elected representatives of the people in Provincial Council or General Assembly in the said Province.

8th That all trials shall be by twelve men and as may be peers or equals and of the neighbourhood and men without exception. . . .

34th That all treasurers judges masters of the rolls,

sheriffs, justices of the peace, and other officers and persons whatsoever, relating to courts or trials of causes or any other service in the government and all members elected to service in Provincial Council and General Assembly, and all that have right to elect such members shall be such as profess faith in Jesus Christ . . . and that are one and twenty years of age at least. . . .

35th That all persons living in this province who confess and acknowledge the one almighty and eternal God, to be the creator, upholder and ruler of the world and hold themselves obliged in conscience to live peaceably . . . in civil society, shall in no ways be molested . . . for their religious persuasion . . . nor shall they be compelled at any time to frequent or maintain any religious worship, place or ministry whatever.

15.

[Edward Randolph was sent to New England in March, 1676, to report to the Lords of Trade and Plantations on the prosperity and loyalty of the Colonies. Copy of a Paper endorsed "Mr E. R.'s Narrative," September 20th and October 12th 1676, "Hutchinson Papers," ii. 210-48.]

1. The Legislative and executive powers of the Government of New England. . . .

The Legislative power is seated in a generall court from which there is no appeal, consisting at present of a Governor, deputy Governor, and 10 Magistrates with the Deputies of the severall townes in that jurisdiction all which are yearly elected . . . No law is in force or esteeme there but such as are made by the Generall court, and therefore it is accounted a breach of their privileges and a betraying of the liberties of their commonwealth to urge the observation of the lawes of England or his Majesties commands.

. . . The people of Boston have continued a private

trade with the French and Indians inhabiting those parts [Acadia] for beaver skins and other commodities, and have openly kept on their fishing on the said coast. . . . In the late Indian warre, the government of Boston did greatly complain of Fort Albany, that from thence the Indians were supplied with armes and ammunition, and were encouraged to begin and prosecute the warre, but this great outcry is judged by the wiser and sober sort of people to be without any just cause, but rather a report raised out of malice and envy, for the government of Massachusetts love no government that is not like their own, and therefore they were more kind and friendly to the Dutch . . . when they were possessed of New Yorke than they are to the English. . . .

The commodities of the production growth and manufacture of New England are, all things necessary for shipping and naval furniture in great abundance, as excellent oake, elme, beech, firre, pines for masts the best in the world, pitch, tarre hempe, and iron . . . clapboards, pipestaves, planks and dealboards, so that his Majesty need not be beholden to other nations for naval stores. . . .

[Exports] to Virginia Jamaica and Maryland beef and porke salted, pease, flower, bisket, codfish, and salt macharell.

To Barbadoes, Nevis, St Christopher, and the other islands, the above commodities, together with horses, dealboards, pipestaves, and houses ready framed.

To Spain, Portugall, and the Straights, Maderas, and Canary Islands, fish and timber, pipestaves, and dealboards.

To England, masts and yards for ships, firre and oake planks, with all sorts of peltry.

The Commodities imported from the plantations are tobacco, sugar, indico, cotton wool, ginger, logwood, fustick, cacao and rume, the which are again transported to other parts.

The trade and navigation is carried on by a generall traffick to most parts of Europe . . . carrying to each place commodities . . . either of their own growth and manufacture or those of the other plantations and do make their returns in such goods as are necessary and vendible either in New England or in any other of his Majesties Dominions in America, . . . so there is little left for the merchants residing in England to import into any of the plantations. There is no notice taken of the act of navigation, plantation, or any other lawes made in England, for the regulation of trade. . . . In this as in other things that government would make the world believe they are a free state and doe act in all matters accordingly.

16.

[Attempted unification of the American Colonies lying north of Delaware Bay, to prevent the growth of an independent spirit among the colonists and to consolidate the resistance to the French. "Copy of a Letter from Sir William Blathwait¹ to Mr. Edward Randolph, Whitehall 10th March, 1687-8." "Hutchinson Papers," ii. 301.]

If the union of all New England under one Governor be acceptable on your side the water, what will the joining and annexing to the same government be of all the English territories in America from Delaware Bay to Nova Scotia? This is already determined on by His Majesty, and a commission constituting Sir Edmund Andros Governor also of New York, as united to and parcel of His Majesties dominion of New England. As to the two Jersies, *scire facias*'s are expediting towards their Union. This besides other advantages will be terrible to the French and make them proceed with more caution than they have already done.

¹ Secretary to the Lords of Trade and Plantations.

17.

[The commission, 7 April, 1688, appointing Andros Governor of the New England Colonies, together with New York and East and West Jersey. This marks a definite attempt of James II to exercise royal authority over the colonies and to unite them under a Governor. The separatist tendencies were, however, too strong for the scheme to prove successful. C.O. 389, ix. 381.]

Wee . . . reposing Trust . . . in the Prudence, Courage, and Loyalty of you the said Sir Edmund Andros, out of our especial Grace . . . constitute you . . . to be our Captain General and Governor in Chief in and over our Colonies of Massachusetts Bay and New Plymouth, our Provinces of New Hampshire and Maine, the Narranganset Country or King's Province, our Colonys of Road Island, and Connecticut, our Province of New York and East and West Jersey and of all that tract of land . . . in America, lying and being in breadth from Forty Degrees of N. Latitude from the Equinoctiall Line to the River of St. Croix Eastward and from thence directly North to the River of Canada and in length and longitude . . . from the Atlantic or Western Sea . . . to the South Sea on the West part (our Province or County of Delaware only excepted) to be called . . . by the name . . . of Our Territory and Dominion of New England. . . .

And we do hereby give . . . unto you full power . . . by and with the advice and consent of our said councill¹ . . . to make, constitute and ordain Lawes, Statutes and Ordinances for the pollice, peace, welfare and good government of our said territory.

18.

[Anglo-French rivalry in Newfoundland. C.O., Series 1, xxii. no. 65. 15 April ? 1668.]

Two years ago since the French planted upon Newfoundland about eight or tenne guns and left there about

¹Note the absence of any assembly.

thirty or forty men. The last yeare they sent four men of war . . . who planted about 20 pieces of ordnance and left about eighty or a hundred men showing their King's broad seale, for the government of the island, driving our English from their habitations. . . . The island is without government, the forts are all ruined, . . . all in a confusion, The fishermen robb, kill and spoile the inhabitants as bad now as before his Maty's Restoration.

19.

[The commercial value of Newfoundland. C.O., Series 1, xxii. no. 68.

"Reasons for Settlement of Newfoundland and the Trade under Government," ?1688.]

Firstly. In Respect of His Matys Interest.

. . . (2) It is the next part of the West Indies adjacent to his Matys territories.

(3) It is the greatest . . . nursery for seamen . . . and did breed up when the trade flourished and was under government 10,000 yearly.

(4) When there was a government it did produce to his Majesty £50,000 for customs yearly by the product of the fish sent into Italy, France, Spain, Portugal etc.

Secondly. In Respect of the Traders' [or Fishermen's] Interest.

(1) When the trade did flourish it did bring in to the nation £500,000 per annum.

(10) By reason of a late Act for turning the Planters six miles in to the Country from the seaside the cheefest of them have transplanted themselves into New England and the rest have or will put themselves under the French.

Thirdly. In Respect of the Inhabitants.

(1) They will by government avoyd the great abuses they yearly labour under by the rudeness of the un-

governed seamen . . . there being no person to appeal to for redress.

20.

[The report of the Convoy Captains respecting the danger from the French in Newfoundland and the unsatisfactory relations existing between the "Adventurers" and the "Inhabitants" or "Planters" led to a thorough investigation of the whole problem by the Committee for Trade and Plantations. C.O., Series 391, ii. 32.]

3 May 1677.

At the Committee for Trade and Plantations their Lordships having this day met . . . to find out what is most proper to be done for the security of the Fishery of Newfoundland and to the settlement of that Trade and Plantation, both parties concerned . . . were called in. . . .

The Council on behalfe of the Adventurers argues y^t the manner of catching fish by ships is very ancient and the Plantation settled of late years, since which the fishery is very much decayed by reason of the abuses committed by the Planters. That in time of peace, His Maty's sovereignty is sufficiently provided for by the yearly sending out of ships by which possession is maintained for halfe the year [i.e. against the French].

The Council on behalfe of the Planters offer to give security not to destroy the stages of the Fishermen (i.e. Adventurers) . . . and doe conceive that in case the Plantation doe cease his Maty can by no means secure his right to the country.

21.

[The Committee for Trade and Plantations appointed three Commissioners to proceed with the convoys to Newfoundland and enquire into the condition of the French fishery and investigate the respective claims of adventurers and inhabitants. Their mission resulted in the retention of Newfoundland, the appointment of a resident Governor, and the fortification of St. John's Harbour. *Ibid.*, p. 135, 21 Feb., 1678-9.]

Their Lorps are of opinion that it is necessary for His Maty to send a Governor to Newfoundland for the

preservation of the Colony and regulation of the Fishery. And that the Governor shall have power to punish the Planters and their servants as also to secure all seamen and other fishermen that shall offend on the shore.

[*Ibid.*, p. 149.]

Several Captains of the Convoys . . . declare the great use of a Plantation and a Governor without which the French will get possession of Newfoundland and that a Fortification in St John's Harbour with two hundred men will be sufficient to secure that harbour.

22.

[The Incorporated Trading Companies. The East India Company. Extract from charter granted 27 March, 1669, to the Governor and Company of Merchants of London trading into the East Indies relating to the Island of Bombay. J. Shaw, "Charters relating to the East India Company, 1660-1761," pp. 47-56 (1887).]

Now know ye that for as much as we have found by much experience that the said Trade into the East Indies, hath been managed by the said Governor and Company to the honour and profit of this nation, . . . We therefore by these presents, for Us, Our heires and successors, do give grant transfer and confirm to The said Governor and Company of Merchants of London trading into the East Indies, their Heires and Assigns, all that the Port and Island of Bombay, in the East Indies with all the Rights, Profits, Territories, and Appurtenances thereof whatsoever. . . . And them the said Governor and Company [etc.] We by these presents, for Us, Our Heires and Successors, make create and constitute, the true and absolute Lords and Proprietors of the said Port and Island . . . yielding unto us . . . the Rent or Sume of Ten Pounds of Lawful Money of England, in Gold, on the Thirteenth Day of September yearly, for ever.

23.

[Account of the Company's Trade in India, and of the dishonesty of the officials. Hakluyt Society, No. 62, "The Diary of William Hedges" (Agent in Bengal, 1681-7).]

1682, December 27.

This day I spent wholly in seeing . . . what store of silk &c. was now in ye Company's Godowns,¹ where I found the quantity of more than 500 bales of Silk not yet prized,² which I caused to be . . . prized whilst I was there, which was accordingly done, Mr. Charnock³ promising 500 great bales and 200 chests of silk should follow me in 10 or 15 days at farthest. And this night . . . we took boat for Hugly.

1683, May 6.

. . . At Cassumbazaar I saw ye Taffaties and Atlasses⁴ in ye warehouse, and gave directions concerning their various Colours and Stripes ordering Mr. Charnock to . . . encrease their quantity; ye Hon^{ble} Company writing very earnestly for Y^m this year; which I fear he will not be able to perform by reason of ye great prejudice ye weavers have received against him by taking 2 p. cent of them to price their goods favourably; and paying of them with light money. . . . In Mr. Charnock's Company I saw divers patternes of good pieces of Prunella and other Sorts of Silkes, as Black, Blew, Yellow and Green taffeties, . . . as well as of raw silke. . . . I conceive, if 3 or 4 Master Weavers and as many Able Dyers, were sent out with 5 or 6 boyes apiece to be their apprentices, ye trade of this place might be improved, to ye Companyes great advantage or at least if ye said master Weavers and Dyers were but obliged for one or two years to instruct ye Natives.

¹ i.e., warehouses.

³ Company's official at Cassumbazaar.

² i.e., "priced."

⁴ Satins.

24.

[Dutch Competition at Bantam, April, 1683. Petition to the High and Mighty Lords the States General asking for satisfaction and restitution for the following outrage. C.O., Series 77, xiv. fo. 129.]

Our good subjects the Governor and Company of merchants trading to the East Indies have humbly represented to us that about this time twelvemonth there were great violences and Ravage acted at Bantam to the utter dispossessing of them and all the English nation of their ancient residence there . . . by the Sieur Martin, commander in chief of the forces sent from ye neighbour Government of Batavia.

25.

[The East India Company and rival traders. *Ibid.*, fo. 159. Report of Sir John St. John. Bombay Fort, 27 January, 1684-5.]

If your Maty will not spedily interpose on behalfe of this East India Company against the Interlopers, Dutch and Portuguez, the whole Easterne trade will be lost in a very short time; Your Maty is contemned . . . by ye Interlopers in those parts.

26.

[Proclamation for Recalling all his Maty's Subjects from the Service of Forreigne Princes in East India, 11 July, 1686. *Ibid.*, fo. 175.]

Whereas we have been informed by our East India Company that severall of our subjects in order to the carrying on of the interloping trade, contrary to our prohibition, have put themselves into the service of forreigne princes . . . we . . . do hereby . . . command all and

every of our subjects in the service of the Mogull or Great King of Indostan, the King of Syam, the Queen of Atchaen or of Sumbagee Rajay or of any other sovereign prince or state or of the Dutch East India Company in the East Indies within six months after the publication of this our Royal Proclamation . . . to leave the service of all and every forreign state or prince in the East Indies and to repaire and render themselves to our Generall and Councill at Bombay.¹

27.

[Sir Josiah Child, Governor of the East India Company, enunciated a new policy in 1685, and sought to repel the attacks of the Maratha leader Sivaji, and to combat the ever-increasing influence of the Dutch, by subordinating commercial to political considerations. In company with his brother Sir John Child, President of Surat and Governor of Bombay, he promoted an aggressive war policy after 1685. The following extracts from letters despatched in 1687 from the Court in London to the Agent at Fort St. George, are quoted in "Hedges' Diary," p. cxv. n.]

It is our ambition for the honour of our King and Country and the Good of Posterity as well as of this Company, to make the English nation as formidable as the Dutch or any other European nation, are or ever were in India; but that cannot be done only by the form and with the methods of trading merchants.

That which we promise ourselves . . . from our new President and Councill is that they will establish such a Politie of civill and Military Power and create and secure such a large Revenue to maintaine both at that place as may bee the foundation of a large well grounded sure English Dominion in India for all time to come.

¹ Chief seat of Government since 1685.

[The Company of Royal Adventurers of England trading into Africa was incorporated in December, 1660, and reconstituted in January, 1662-3, to be a slave-trading organization and wrest from the Dutch West India Company the carrying-trade in slaves between Guinea and the West Indies. In 1672 this Company was dissolved and its successor, the Royal African Company became almost as powerful as the East India Company. The Charter of 10 January, 1662-3, from "Select Charters of Trading Companies." Selden Society, xxviii. 177-81.]

Charles the Second, To all whome these presents shall come, Greeting. Whereas all and singular the regions [known] as Guynny,¹ Binney,² and South Barbary . . . are the undoubted Right of Us. . . . Now know ye that We . . . have of our special grace [etc.] given and granted and by these presents give and grant unto [large number of persons, influential in Court, Parliament, and Trade] the regions [etc.] beginning at the Port of Sally³ in South Barbary inclusive and extending from thence to Cape de bona Esperanza with all the islands near adjoining to those coasts and comprehended within the limits aforesaid. And therefore for the setting forward [of the trade] of our further and more ample grace [we incorporate the above named] by the name of the Company of Royal Adventurers of England trading into Africa.

[Power that the Company may set to sea ships etc. with ordnance etc.] and shall for ever hereafter have use and enjoy all Mines of Gold and Silver which are or shall be found in all or any the places above mentioned and the whole entire and only trade [to those parts] for the buying and selling, bartering and exchanging of for or with any negroes slaves goods wares and merchandises whatsoever to be vented or found at or within any of the Cities etc.

¹ Guinea.² Benin.³ Sallee.

29.

[The Slave Trade; obstructions caused by the climate of the West African coast, and by the activities of private merchants and Frenchmen. T.70 vol. i. Letter Book, 2 March, 1681.]

I arrived here in the Margaret . . . the 14 April and thought to have found Mr. Thurloe [the agent of the Royal African Company at James Island, Gambia] but he not only being dead, but Mr. Phelps then agent lay very sick and 19th he died, no factors on the island but myself and Mr. Cleave . . . the *Laurel* arrived under Capt. Plumer [an Interloper] and made a stop to trade so that I could not buy a slave of the merchants.

[*Ibid.*, 23 May, 1681.]

I am apt to believe that in a shortt time the French will venture to goe up the River, now I only want your order signed to beare me harmeless for preventing them, and you shall find I will keep them in subjection if I sinke burne or destroy ships or men that shall goe past the Castle [i.e. the fort on James Island].

30.

[Petitions against interlopers, who infringed the trading monopoly granted to the Royal African Company, were frequently directed to the King by African merchants. In response to these appeals for Royal support, Charles II and James II issued letters and proclamations to the governors of the West India Islands authorizing them to prevent interlopers from trading with the planters or from transporting slaves from West Africa. James II to the Governor of Jamaica, 3 August, 1685. *Ibid.*, vol. 169, Petitions, p. 55.]

Trusty and well beloved, we greet you well. The Royal African Company having humbly represented to us in Councill that severall persons Interlopers have presumed to Trade into those parts within their Charter contrary thereunto and that notwithstanding the late King our Dearly Beloved Brother his Royall Proclamation in

favour of the said Company and his Letters Commanding all his Governors of his severall Plantations in America not to admitt any such Interlopers. And wee being now Informed that . . . ye Company's factors and agents have in severall places been in a riotous manner opposed and obstructed in the due execution of the said Charter, to ye great contempt of our prerogative and prejudice and losse of the Company, who being at great expences as well for the maintaining of Forts¹ on the Coast of Africa, as otherwise in order to the preservation of this trade [i.e. the Slave Trade] . . . we . . . have issued our Royal Proclamation Prohibiting all our Subjects to Trade within the Limits assigned to the Royal African Company of England, except those of the said Company, and do also hereby strictly charge . . . you . . . to take better care that the privileges granted to the said Company by Charter be most punctually observed . . . and that all our Men of Warr and Officers both civill and military [do aid] and assist the Company's factors in ye seizing all Interlopers their Negroes or Goods coming from ye Coast of Africa, and require you to proceed rigorously according to Law against such as have been engaged in any Riott committed upon the Company's servants when they were employed in the execution of the said Charter and Proclamation.

31.

[The Hudson's Bay Company received its charter of incorporation in 1670, and opened extensive fur-trading operations in the Hudson's Bay. French competition after 1680 weakened the position of the traders and, as in India and West Africa, the French intrigued with the natives against the English, saying that

¹Fortified factories were necessary at this period to protect the traders from rivalry of the Dutch, French, and Portuguese and the English interloping merchants, who would ally themselves with the natives and attack the Royal African Company's settlements.

they possessed a prior claim to the contested areas of commerce. The following petition of 1686 is of similar character to those presented by the Royal African Company to the King of England between the years 1681-1713. "Hudson's Bay, Original Correspondence, Board of Trade," C.O., Series 134, vol. 2.]

The Ports and Places within Hudson's Bay in America were first discovered by the subjects of the Imperial Crowne of this Kingdom. . . . The Petitioners were trading into those parts above Twenty yeares and in that time have expended near Two Hundred Thousand pounds sterling in erecting Forts and Factories there and in settling a trade and other necessities thereunto within the Limitts of their charter, and have now arrived to a very considerable trade therein, . . . and never were disturbed until the year 1682 when private merchants of Canada without any commission or colour of authority from his most Christian Majesty or from the governor of Canada did set out ships and in a piraticall manner disturbe and annoy the Petitioners in their Factories and Settlements at Port Nelson and did burn their Houses and robbed them of their trade there, to all of which though several Memorials were sent to the Court of France by his late Majesty of ever blessed Memory on behalfe of the Petitioners demanding satisfaction for the same, yet none was obtained. . . . That within these two months the Petitioners have received advices . . . whereby it appears that the French of Canada this yeare have in a Piraticall manner taken and totally despoiled the Petitioners of three of their Forts and Factories ¹ in ye bottom of Hudsons Bay, three of their ships, fifty thousand Beaver skins, and a great quantity of Provisions . . . laid up for many years trade.

[Counter Memorials from the French were received by the English Government, and a Commission was appointed to settle the boundary question.]

¹ Moose Factory, Fort Rupert, and Fort Albany.

[Description of incorporated and unincorporated Companies. It is important to note the fear of Dutch competition that animated English traders of this period. "A New Discourse of Trade," by Josiah Child, 1690, c. iii.]

Companies of Merchants are of two sorts, viz. Companies in Joynt Stock such as the East India Company, the Morea Company (which is a branch of the Turkey Company), and the Greenland Company, which is a branch of the Muscovia Company ; the other sort are Companies who trade not by a joynt stock but only are under a Government and Regulation, such are the Hambrough Company, the Turkey Company, the Eastland Company, the Muscovia Company. . . . I am of opinion that for Countries with which his Majesty hath no Alliance, nor can have any by reason of their distance or Barbarity or non-communication with the Princes of Christendom etc., where there is a necessity of maintaining forces and Forts (such as the East India and Guinea) Companies of Merchants are absolutely necessary. It seems evident to me that the greatest part of these two trades ought for publick good to be manag'd by Joint Stock. It's questionable to me whether any other Company of Merchants are for publick good or hurt. . . .

The Dutch who have no Eastland Companys, yet have ten times the Trade to the Eastern parts as we have ; and for Italy, Spain, and Portugal, where we have no Companies, we have yet full as much, if not more trade, then the Dutch. And for Russia and Greenland where we have Companies (and I think Establisht by Act or Acts of Parliament) our Trade is in effect wholly lost while the Dutch have, without Companies, encreased theirs to above fourty times the Bulk of what the residue of ours now is.

BOOK VII. SCOTLAND AND IRELAND.

SCOTLAND.

I.

[At the Restoration, a Council for Scottish affairs was established at Whitehall and a Lord Commissioner was appointed to govern Scotland in the King's name. The King's Letter to the Parliament of Scotland, 29 November, 1660. A.P.S., vii. 6.]

Right Trustie and Right well Beloved Cosens and Councillors . . . We greet you well. No sooner did it please God to restore us to the exercise of Our Royall Government than Wee applyed ourselves to the settling of our Government in that our ancient kingdome and for that purpose, Wee authorized some of our Nobilitie and others of that our kingdome to meit heer at London and to represent their thoughts to Us and at their humble desire Wee called our Comittee of Estates to sitt till wee could call a Parliament, which now wee have indicted and Seing our great affaires heir could not allow us to be present with yow wee have authorized the Earle of Midletoun to be our Comissioner and have comanded him to give yow full assureance of our constant affection to that our Antient kingdom Our sense of your great sufferings for us and of your Loyaltie (of which we have had many testimonies both dureing our abroad with yow and dureing the late usurpations) He will alsoe assure yow that wee are resolved by the Grace of God to preserve that our kingdome in its freedome. And as Wee expect that you will assert our antient Royall prerogative so wee promise to maintaine

the just liberties of our people as they enjoyed them under our Royall Ancestors according to the law.

2.

[Middleton did not go to Scotland until December, 1660; the following extract show Clarendon's anxiety for the establishment of a settled government in Scotland. The "Notes" from which this fragment is taken show the Chancellor's influence over Charles II and the King's indolence in regard to affairs of State at this period. Extract, December, 1660, from "Private Confidential Notes which passed between Charles II and Clarendon at the Council Meetings," edited by Macray, p. 17.]

Chancellour. I doubte you do not thinke enough of the businesse of Scotland. Do you know how these rogues in this Citty and Kingdome depend upon troubles there? Downinge writes me worde by a letter this last night, that there are a great store of armes and ammunicōn of all kindes sent lately into Scotland from Rotterdam. . . . I assure you I thinke its high tyme that Midletoun be sent away thither.

King. I am of your opinion. . . .

Chan. Have you said all the gracious things to Middleton you resolved, of a pencōn ther, and a pencōn heare-after?

3.

[English garrisons were withdrawn from the Scottish fortresses of Ayr, Perth, Leith, and Inverness in 1660 and the fortifications of these citadels were destroyed, by order of the king and at the advice of the Earl of Lauderdale, Secretary for Scotland. The following order is similar to those issued for the demolition of the citadels of Ayr, Perth, and Leith. Act for demolishing the walls of the citadel of Inverness, 1661. P.C.R., Scot., i. 6.]

The Lordes of Secreit Councill gives order and warrand to Alexander Earle of Murrey, to cause demolish and slight the wallis, strengths and fortifications of the Citiedale of

Innernesse and to cause to fill up the ditches thereof except so much of the samen as are built upon the sea-coast which shall be found necessary to preserve the houses built therein from the storme and tempest of the sea ; . . . and gives warrand to the said Earle to requyre and charge the inhabitantes of the next adjacent shyre and paroches to repair to the said Citiedaill for performing that service, and if neid be, ordaines letteris of horneing to be direct *simpliciter* against them for that effect in case of their disobedience, charging them thereto under the paine of rebellione ; and appointes the said Earle to report his diligence to his Majesties Secreit Councill anent the performance of the premisses with all conveniency.

4.

[The Act Rescissory was passed on 28 March, 1661. It deprived the Presbyterian Church of all legal sanction. "Act Rescinding and Annulling the Pretendit Parliaments in the yeers 1640, 1641, etc." A.P.S., vii. 86.]

The Estates of Parliament considering that the peace and happines of this Kingdome and of his Majesties good subjects therein doth depend upon the safety of his Majesties person and the maintenance of his royall Authority power and greatnesse and that all the miseries confusions and disorders during these twentie three yeares have issued from these neglects. . . .

[Recital of the sacred rights inherent in the Crown, which had been usurped in the name of Religion by many who were joined in league with some in England to subvert His Majesty's Government. Consequently Parliament seeks to remove all remembrance of those things which have been injurious to the Royal authority.] And considering that besides the unlawfullness of the public actings dureing these troubles, most of the acts in all and every of the meittings of these pretendit Parliaments, doe heighly

encroach upon and are destructive of that Soverane Power Authority Prerogative and Right of Government, which by the law of God and the ancient Laws . . . of this Kingdome doth reside in and belong to the Kings Matie, and doe reflect much upon the honour loyaltie and reputation of this Kingdome, or are expired and serve only as testimonies of Disloyalty and reproach upon the Kingdome and are unfit to be any longer upon Record, thairfor the kings Majestie and Estates of Parliament doe hereby Rescind and Annull the pretendit Parliaments kept in the yeares 1640, 1641, 1644, 1645, 1646, 1647, 1648, and all acts and deids past and done in them to be henceforth voyd and null. [Indemnity granted to all who acted in the "pretended" Parliaments during the "usurpation."]

5.

[The Establishment of Episcopacy. "Letters and Journals of Robert Baillie, D.D., Principal of the University of Glasgow," 1727, ii. Letter 200, 1661.]

The Parliament sat down at the beginning of January on the Tuesday. . . . The design appeared of Annulling all the former parliaments since 1633, which had given any civil sanction to the General Assembly of Glasgow 1638 or any after Assembly which ratified our Solemn League and Covenant or Church Government. . . . This caused a great noise and grief over the whole land. . . .

[*Ibid.*, Letter 201, 12 May, 1662.]

Our publick affairs, you know them as well and better than I. His Majestys letter to us at first, penned by Mr Sharp, promised to keep up our church government established by law, and to send for Mr Douglas¹ and others to confer about our affairs. The last, Mr Sharp² hindered ;

¹ Important minister in the Presbyterian Church.

² Presbyterian minister who became an Episcopalian and was made Primate of Scotland, 1662.

for with himself alone it pleased his Majesty to confer; and the sense of the first, none of us ever dreamed till it came out thereafter. We were amazed at the proclamation, discharging all petitioning against Episcopal Government, established by law, as it was in the year 1633; of putting down our synods, presbyteries, and sessions; of calling up Mr Sharp, Mr. Fairfoul,¹ and Mr. Ja. Hamilton² of Cambusnethan, also Mr. Leighton³ then at London, to be consecrated by the English Bishops. . . .

The archbishops consecrated other five on the Wednesday in the abbey church; Mr Haliburton to Dunkeld, Mr Paterson to Ross, Mr. Murdoch Mackenzie to Moray, Mr Forbes to Caithness, Mr Robert Wallace to the Isles, Dr. Wishart designed for Edinburgh and Mr David Mitchell for Aberdeen are not yet come out of England; nor old Sydserf appointed for Orkney. . . . The guyse now is, the bishops will trouble no man, but the State will punish seditious ministers.

6.

[Rothés, who was appointed commissioner in May, 1663, here describes the loyalty of the Scottish people to Charles II and the absolute power of the king, since the restoration of Episcopacy and the passing of the "Act concerning the constitution and election of the Lords of the Articles," 18 June, 1663. Private instructions to Sir Robert Murray which he is desired to represent humbly to the king, July, 1663. "Lauderdale Papers" (ed. O. Airy), i. 169.]

You shall acquaint his Matie that . . . [he] may rest Assured of the loyaltie and affection of the much greatest part of Scotland, and that there is so little reason to apprehend the least disturbance to his affaires from hence that if his Majesties service in any of his dominions doe

¹ Appointed Bishop of Glasgow.

² Appointed Bishop of Galloway.

³ Appointed Bishop of Dunblane.

requyre the assistance of this kingdom, he may confidently promise to himself a more universall concurrence of the body of this Kingdome for maintenance of his authority either within Scotland or in any other of his dominions. . . . There is no manner of danger in ending this Parliament heir as there may be in his Majesties other kingdoms ; for if the kings service should requyre a Parliament, there is no manner of doubt but the next Parlt. would be as entirely at his Maties devotion as he can desire ; For the Lords Spirituall and Temporall are the same and they sitting in the same house the King knows what influence they have. Besides the power which the officers of State and noblemen have in elections of Cõmissioners for Shires and Burroughs may secure his Matie of the new elections especially seeing the declaration concerning the Covenant keeps out those who are avers to the Church Government establisht : and the great consideration which puts it past all apprehension of danger is, that . . . [not] only hath the king in Scotland the negative vote but God be thanked by this constitution of the Articles, his Matie hath the affirmative vote also : For nothing can come to the Parliament but through the Articles, and nothing can pass in Articles but what is warranted by his Matie so that the King is absolute master in Parliament both of the negative and affirmative.

7.

[Sir James Turner was authorized to enforce obedience to the Conventicle Act (Scottish), 10 June, 1663. His methods, which displayed the utmost cruelty, led to the outbreak of the Pentland Rising. (a) Burnet, i. 378.]

When the people had generally forsaken their Churches the guards were quartered through the Country. Sir James Turner, that Commanded them, was naturally fierce, but was mad when he was drunk, and he was often so.

[(b) "Memoirs of Sir James Turner" (ed. 1829), p. 141.]

In the month of March 1665, I was . . . commanded to . . . [Kirkcudbright] with a partie of one hundred and twentie foot and threttie horse to put the laws concerning Church ordinances into execution; the people haveing beene extreamlie outrageous to their ministers and disobedient to discipline. I stayed about two months in that country and reduced it to ane indifferent good order, by cissing on some and by both cissing and fining others. . . . Some money I exacted, sparinglie, from those of whose obedience I had hopes, but from such as the ministers and I judged obstinate, I tooke some money and bonds for all they were found to be dulia owing, as 20^s Scots for everie Lords day they had absented themselves from their parish churches.

[(c) *Ibid.*, p. 144.]

In July [1666] . . . I came to Dumfries. . . . In all the places where I came . . . I was often necessitated to quarter my whole partie on delinquents, and scarce keepe any by me, except my owne servants. . . . And this my order led me to doe, being appointed to cesse and quarter with my partie and not to keepe any post, place or garrison.

8.

[View of the Pentland Rising taken by the King's Advocate (as Mackenzie was created in 1677) is here contrasted with that of the Covenanters. (a) Sir G. Mackenzie, "A Vindication of the Government in Scotland during the Reign of King Charles II against misrepresentations made in many scandalous pamphlets," 1691, p. 6.]

The Presbyterian Preachers had all along taught the People, That as their Government was *Jure Divino*, so the People might thereby be obliged to defend them and it, under pain of Eternal Damnation (even when Episcopacy was Established by Law) and accordingly some of

the People who retained that Principle, frequented the Conventicles at which these Ministers Preacht; whereupon the State fearing that the old Humour might ferment again into a Rebellion, discharged under some small penalties any above Five Strangers to meet in a Conventicle, leaving thereby at once the free exercise of their Conscience in their Families, and yet securing the State against such a total defection as might involve us in a New Civil War which without doubt was all the State designed; But to elude these Penalties for House Conventicles Some Preachers (amongst whom were some of those who had been formerly banished) gathered the people together in the Fields; they, bringing arms with them to secure their Ministers, came at last to have such an opinion of their own strength, that they formed themselves into an Army, and were defeated at Pentland Hills, Novemb. Anno 1666.

[(b) "A Vindication of the Presbyterians in Scotland from the Malicious Aspersions cast upon them in a late pamphlet written by Sir George Mackenzie, entituled 'A Vindication . . .'" by A Lover of Truth, 1692.]

And that Conventicles were prohibited from a "just fear that the Old Humour would ferment into a Rebellion" is only his assertion, 'tis apparent enough that those severe acts were made principally to support the Bishops and for fear lest they should be turned out again (as nothing but force . . . ever kept them in that kingdom). And how cunningly soever he insinuates that the Rebellion at Pentland Hills in 1666 was the effect of their Field Conventicles, yet 'tis certain that there were but few conventicles before that Insurrection; The true matter of fact in this point is, that Major Turner and some others were sent into the west of Scotland, to suppress the Presbyterians there, the soldiers were quartered upon FREE QUARTERS besides that they forced the PEOPLE to pay them

6^d a day, that many families were totally Impoverisht, so that they were forced to give over their Farms and have recourse to the charity of other honest People for their Subsistance. That in some places when that People were not able to entertain the soldiers . . . they fell a-beating of them and abused them; who with the neighbourhood standing up in their own defence, killed some of the soldiers, whereupon partly through fear of being executed and partly through Bitterness of Spirit, which their grievous Bondage had caused in them (since as Solomon says 'Oppression makes a wise man mad') they betook themselves to Arms and persuaded other people whose Lives had been embittered by several years oppression to doe the same.

9.

[The Pentland Rising proved that Rothes' government had not brought peace to Scotland. He was therefore in 1669 succeeded by Lauderdale who opened Parliament on 19 October, and chose the Lords of the Articles from a list of the King's supporters. "London Gazette," No. 412, 25-28 October, 1669.]

This day his Grace [Lauderdale] rode out from the Palace of Hollyrood to the Parliament House. . . . The Earl of Arrol Lord High Constable with a numerous train of Gentlemen and Partisans . . . being sate in his robes at the gate of the Parliament house to welcome and guard the members . . . about 11 of the clocke the Lord Chancellor [Rothes] and Earl Marshalle with the Purse and Mace and 6 Trumpets before them came from the Palace to the Parliament House. . . . [Detailed account of the arrival of Lords, Herald, Officials, etc.] . . . then the Lord Yester carrying his Majesties Commission, next the Earl of Marre with the Sword, the Earl of Argyle with the Scepter, and the Marquis of Douglas with the Crown, Then the Lord High Commissioner himself. . . . At his

entrance into the Parliament House all the guns were discharged from the castle.

His Grace being seated in the Chair of State, and the Regalia placed on a Table before him, and the Three Estates seated, the Bishop of Dunblane [Leighton] having Prayed, his Majesties Commission to the Earl of Lauderdale was first read, and then the doubtful Elections of Members referred to Examination. This done His Majesties letter to the Parliament was twice read, and afterwards enlarged on by the Lord Commissioner, seconded by a shorter one from the Chancellor persuading them to a concurrence with His Majesties Designe of uniting the two kingdoms.¹ Afterwards they proceeded to the election of the Lords of the Articles; the Nobility choosing 8 Bishops and the Bishops 8 noblemen and these 16 making choice of 8 knights and as many Burgesses, who with the 8 officers of State make up the number of the said Lords of the Articles, by whom all affairs are to be prepared for the House. . . . On Thursday the King's letter was again read in the House the answer being prepared by the Lords of the Articles being read and debated that and the day following, was agreed to by all the Members, one personally only excepted [Sir G. Mackenzie] and is now published together with his Majesty's Letter and the Lord Commissioner's Speech.

10.

[The first Letter of Indulgence was issued by Charles II on 7 June, 1669; it authorized the return to their livings of those evicted ministers who had lived peaceable and orderly lives. (a) Earl of Kincardine to Earl of Lauderdale, 3 August, 1669, "Lauderdale Papers," ii. 192.]

Today in Councill 12 ministers received their orders for their severall parishes; 5 more warrands were given to

¹ This scheme was not carried out.

Earl of Argyle for his contrie, and one to Duke of Hamilton, so that in all there is 18 licensed at this tyme. . . . After reading to evry one their warrand, it was delivered to him by the clerke. . . . Thereafter an act of Councell was reade before them containing the certifications in case of their misbehaviour which are in the King's letter.

[*(b)* Earl of Tweeddale to the same, 10 August, 1669, *ibid.*, p. 197.]

I hop better of our indulgence then ever, and that the persons admitted will be soberer then is expected of them ; the desperat of that partee ar mad with it and some run about to dissuade the people from hearing them, which . . . [may] start a division among them.

11.

[Lauderdale was obliged to abandon his conciliatory policy, and renew the severities against the Covenanters, who had taken advantage of the Declaration of Indulgence and had increased in strength. Act against Conventicles, 9 August, 1670. A.P.S., viii. p. 9.]

Forasmuch as the assembling and convocating of his Māties good subjects without His Māties warrant and Authoritie is a most dangerous and unlau^{ll} practice prohibit and Discharged by severall Lawes and Acts of Parliament under heigh and great paines And that notwithstanding therof diverse Disaffected and seditious persons under the specious but false pretences of Religion . . . presume . . . to be present at Conventicles and unwarrantable meetings and conventions of Subjects which are the ordinarie seminaries of Separation and Rebellion tending to the prejudice of the public worship of God in the Churches to the scandell of the Reformed Religion. . . . For the Suppressing and preventing of which for the tyme to come His Mātie with advyce and consent of His Estates of Parliament Hath thought fit to Statute and Enact . . . that no outed Ministers who are not licenced

by the Councill and no other persons not authorized Or tollerat by the Bishop of the Diocese presume to preach expound Scripture or pray in any Meeting except in ther oune housses . . . and that none be present at any meeting without the familie to which they belong where any not Licenced authorized nor tollerat as said shall preach expound Scripture or pray Declaring heerby all such who shall doe in the contrair to be guiltie of keeping of Conventicles.

And he . . . who shall preach . . . within any house shall be . . . imprisoned till they find Caution under the paine of Fyve thousand merks not to doe the Lyk thereafter Or else to enact themselves to remove out of the Kingdom and never returne without His Mäties Licence. [Details about fines to be imposed on those present at Conventicles.]

And farther His Mätie Understanding that diverse disaffected persons have been so maliciouslie wicked and Disloyall as to convocat His Mäties subjects to open meetings in the feilds expres contrair to many publict Lawes made thereanent And considering that these meetings are the Rendezvous of Rebellion and tend in a heigh measure to the Disturbance of the publict peace Doth therfore with advyce and consent forsaid Statute and Declare That whosoever without Licence or authoritie forsaid shall preach Expound Scripture or Pray at any of these meetings in the feild or in any House wher ther be moe persons nor the house contains so as some of them be without Doors (which is hereby declared to be a Feild Conventicle) or who shall convocat any number of persons to these meetings shall be punished with Death and confiscation of ther goods. . . . [Every person who should seize a preacher at any field-conventicle was to be given a reward of five hundred marks] And as to all heretors and others—who shall be present at any of these Feild Conventicles It is

hereby Declared that they are to be fined *toties quoties* in the double of the respective fines appointed for house Conventicles. . . . And lastlie His M^atie . . . hath . . . Declared that the endureance [of this Act] shall only be for three yeers unles His M^atie shall think fit that it continow longer.

12.

[Scotland's participation in the Dutch War, 1672. "A Commission granted by the Admirall of Scotland for ye arming out a Privateer against ye States of Holland, 1672." Pepysian MSS., No. 2874 "Miscellaneous Documents," p. 107.]

Know ye, Us the said Charles Duke of Lenox and Richmond etc. High Admirall afores^d by virtue of the said Comission granted to us by our said Dread Sovereign the King's Maty, to have nominated and appointed like as we by these presents nominate and appoint the said Captain Matthew Lumsden to be Captⁿ of the Good ship or Frigot. ye *Monmouth* of Seventie Tuns burthen . . . and carrying eight pieces of ordnance wth all Munitions proportionable as of a Man of Warr commissioned in his Maty's actual service; giving granting and comitting to ye said Captⁿ full power . . . to ord^r and command ye officers souldiers and mariners of ye s^d ship . . . in all things belonging to ye Power . . . of a Captⁿ or Commander of a man of warr . . . and to . . . go to sea and to search for, follow and pursue after as also take and apprehend and (in case of resistance) to fire, burne, Sinck and Destroy the Ships and Goods of ye said States Generall of ye United Provinces or ye ships and goods of any of their Subjects or any other Inhabitants of their Countries, Dominions and Territories.

13.

["A Proclamation, oblidging Heritors and Masters for their Tennants and Servants." B.M. 1851, b. 3 (52), 18 June, 1674.]

We therefore, with advice of the Lords of our Privy Council, do hereby require and command All Masters of

Families that they cause their Domestick Servants, Chamberlains, Grieves, and others entertained by them to give obedience to the Foresaid 5th Act of our 2nd Session of Parliament in abstaining from all Conventicles whether in Houses or Fields, and that they retain none in their Service but such for whom they will be answerable, and in case of disobedience, that they remove them out of their Service ; As also we do hereby . . . command all Heretors, Landlords and Life-renters in the countrey, to require all their Rentallers and Tennants, as well those who have tacks yet standing unexpired, as moveable Tennants, to subscribe the Bond hereto subjoined

I — bind and oblige Me that I, my Wife, or any of my Children in Familie with me, my Cottars or servants, shall not keep or be present at any Conventicles either in Houses or Fields . . . under the paines contained in . . . [The Clanking Act of 1670] being for ilk house Conventicle 25 pounds Scots, for each Tennants labouring land, 12 pounds for each cottar, and for each servant man a fourth part of his yeares fee ; and the husband the half of these fines for each of their wives or children as shall meet at any House Conventicle. And the double of these fines for each of the saids Persons that shall be at any Field Conventicle.

14.

[In 1677, by an Act of Council, masters were required to sign a Bond, to guarantee the loyalty and conformity of their tenants and employees. The refusal of landlords to comply with the terms of this Act led to the quartering of the Highland Host on the west of Scotland, and to the murder of Archbishop Sharp which formed the prelude to the Rising of 1679. See Burnet, "Hist." (ed. O. Airy), ii. 145-9, 235-41. (a) The Murder of Sharp, *ibid.*, ii. 236.]

When a party of furious men were riding through a moor near St. Andrews they saw the Archbishop's coach appear,

. . . They seeing this concluded that God had now delivered their greatest enemy into their hands ; seven of them made up to the coach, while the rest were as scouts riding all about the moor. One of them fired a pistol at him which burnt his coat and gown but did not go into his body, upon this . . . they drew him out of the coach and murdered him barbarously . . . and so got off. . . . This was the dismal end of that unhappy man.

[(b) Charles II to the Privy Council of Scotland, 10 May, 1679. Cal. S.P.D., 1679-80, p. 141. (S P. Scotland Warrant Bk. 5, p. 127.)]

It was with no less abhorrence than surprise that in your letter of the 4th we received an account of that cruel and barbarous murder committed . . . by the fanatic ruffians on the late Archbishop of St. Andrews . . . and we highly return you our hearty thanks for your care and forwardness . . . for apprehending those barbarious assassins and particularly your Proclamation with which we were so well pleased that we ordered it to be printed here.

15.

[The Declaration of the Rebels in Scotland, 1 June, 1679. B.M. Pressmark, T. 2*, p. 610.]

It is not unknown to a great part of the world how happy the Church of Scotland was whilst she enjoyed the Ordinances of Jesus Christ in Purity and Power, of the which we have been deplorably deprived by the Re-establishment of Prelacy. . . . Being most unwilling to anything which might import opposition to lawful authority . . . although we have been a long time groaning under the overturning of the work of Reformation . . . and the changing of the Ancient Church Discipline and Government thrusting out so many of our Faithful Ministers from their charge, . . . and introducing upon their Flocks

a company of insufficient and scandalous persons, and Fining. . . . Imprisoning . . . Scourging poor people. . . . and Quartering upon them rude soldiers, selling of their persons to foreign Plantations, horning and intercommuning many. . . . and we being continually sought after while meeting in houses for Divine worship, and being necessitated to attend the Lord's Ordinances in the Fields . . . and there often hunted out to the effusion of our Blood . . . So that we were inevitably constrained either to defend ourselves by arms at these meetings or be altogether deprived of the Gospel preached by Christ's faithful ministers. . . .

At one of these meetings¹ upon the first of June instant, being the Lords Day, Captain Grahame of Clauer[house] being warranted by a late Proclamation to kill whomsoever he found in arms at Field Conventicles did furiously assault the People Assembled and further to provoke, did cruelly bind like Beasts, a minister with some other people. . . . [Declaration that they continued in arms for the causes following.]

First, the defending and securing the Protestant Religion and Presbyterial Government founded on the word of God and summarily comprehended in our Confession of Faith and Catechisms and established by the Laws of this Land, to which the king, nobles and people are solemnly engaged in our National and Solemn League and Covenant.

2ndly, the Preserving and Defending the Kings Majesties Power and Authority.

Thirdly, the obtaining of a free and unlimited Parliament and a free General Assembly in order to the redressing the aforesaid Grievances for preventing the eminent Danger of Popery and extirpating Prelacy.

¹ At Loudon Hill. The disturbance was followed by the battle at Drumclog, two miles distant.

16.

[(a) On 1 June the Covenanters won the battle of Drumclog, and on 22 June they were defeated by Monmouth's Army at Bothwell Brig. H.M.C.R., Ormonde MSS., v. 127. Henry Coventry to Ormonde, 10 June, 1679.]

The disorders of Scotland that have been long feared by some and slighted by others now appear formidable: 8,000 of the desperatest and worst sort of fanatics being in a body, and have forced the King's troops to retire and abandon Glasgow, upon which His Majesty hath ordered the levying of betwixt five and six thousand fresh men here under the Duke of Monmouth to oppose them. Your Grace is likewise desired to send soon what men you can spare in Ireland and that I may not mistake in my commission I send you the copy of the Order in Council upon that point.

[(b) "A Fresh Relation of the King's Army in Scotland," 20 June, 1679. ("Political Docs.," 1602-88, No. 112.)]

According to promise in my last, I cannot fail of giving you a particular Relation of the proceedings. . . . I am at present to acquaint you, That on 'Thursday the 19th instant, His Grace the Duke of Monmouth arriv'd in camp at Blackwood, where it was then drawn up, and spent that day in giving the necessary Orders preparatory to their March; which they undertook the next morning, and Incamped near the Kirkshotts within six miles of Hamilton. Upon the news of our Advance the Rebels disorderly retired from Haggs where they were posted to the said Towne of Hamilton . . . and we doubt not but the King's Host will be up with them some time tomorrow, soon after which you may certainly in some few days hear of some considerable Action. . . .

The King's Army daily increases by the coming in of

Fresh troops from several Shires with incredible cheerfulness, longing for . . . an opportunity . . . for attacking the Rebels . . . The chief persons of Note that have lately joyned the Rebels are . . . Robert Stewart Brother to the Earl of Galloway, MacDougal of French, Mr. William Ferguson of Kettnoch, but all living in Galloway. . . .

Robert Hamilton commands them still as General. But the gross of this body consists still of people of such Profligate Behaviour and lewd . . . Principles that all persons of Quality . . . express the Greatest Abhorrence and Detestation in the world of their Proceedings. . . .

[(c) Earl of Anglesey to Ormonde, Ormonde MSS. v. 153, 12 Ju'y, 1679.]

The Duke of Monmouth returned two days since and left all quiet in Scotland by giving liberty for house conventicles [not for those in the field].

17.

["A Proclamation, Declaring Mr. Richard Cameron and others, Rebels and Traitors," 30 June, 1680. (See Wodrow, "Hist. of Church of Scotland," iii.) B.M. Pressmark 816, m. 2, 4*.]

Forasmuch as Mr. Richard Cameron, [blank] Cameron his brother, Mr. Thomas Douglas, Mr. Donald Cargill and others their accomplices Have now at last shaken off all respect to Our Laws . . . and have entered into express and Open Combinates and Covenants, wherein they most Sacrilegiously do by a Solemn Oath Engage themselves to disown us and Our Authority and declare it . . . a Christian duty to rise in Arms against us . . . declaring us An usurper and that none should obey them who are in Authority under Us. . . . Like as the said Mr. Richard Cameron . . . and others to the number of twenty-one persons did upon the twenty-two of June enter within the Burgh of Sanquhar with drawn Swords and Pistols in their hands and . . . did draw up at the Cross

and published and affixed upon the Cross . . . a most treasonable . . . paper, disowning us to be their king and defaming Us.¹ . . . We have therefore thought fitt . . . to declare the said Mr. Richard Cameron [and others] traitors and rebels against us and Our Authority . . . requiring all our Good Subjects to treat them as such.

[Reward for all who should seize any of the said Traitors 3000 marks.]

18.

[The Duke of York became Royal Commissioner in Scotland in 1681; the third Scottish Parliament which met on 27 July, 1681, passed the Act of Succession which was regarded as a severe rebuke to the "Whig" or Exclusionist party in England. Burnet, ii. 305.]

The Duke behaved himself upon his going to Scotland in so obliging a manner that the nobility and gentry who had been so long trodden on by Duke Lauderdale and his party found a very sensible change so that he gained much on them all.

[*Ibid.*, p. 308.]

Now the time of the Sitting of the Parliament drew on. . . . The first act that passed was one of three lines, confirming all the laws formerly made against Popery. The next act for the unalterableness of the succession of the Crown. It was declared high treason even to move for any alterations in it.

[*Ibid.*, p. 313.]

Many men began to call for some more effectual security for their religion. Upon which a test was proposed for all that should be capable of any office in Church

¹ The Sanquhar Declaration disowned Charles II because he had broken faith with the Scottish Church, having pledged himself to fulfil the Covenant.

or State, or of electing, or being elected members of Parliament, that they should adhere firmly to the Protestant religion, to which the court party added the . . . renouncing of the covenant and an obligation to defend all the kings rights and prerogatives and that they should never meet to treat of any matter, civil or ecclesiastical, but by the king's permission, and never endeavour any alteration in the government in church or state,¹ and they were to swear all this according to the literal sense of the words . . . another clause in the bill was liable to great objections; all the royal family were excepted out of it.²

19.

[Letter from John Graham of Claverhouse to the Earl of Aberdeen, Lord High Chancellor of Scotland, describing his success in reducing the West to obedience, 1682. "Letters to the Earl of Aberdeen" (Spalding Club), p. 107.]

He . . . quartered on the rebelles and indevoured to distroy them by eating up their provisions . . . and then rifled their houses, ruined their goods and imprisoned their servants so that their wyves and schildring were brought to sterving, which forced them to . . . renounce their principles, declair Bothwell Brig an unlawful rebellion [and] swear never to ryse in arms against the king his airs or successors . . . And seeing people who had loosed their fortunes and ventured their lyves for that quarrel . . . were brought to conformity he judged there could be no danger to indevor . . . to bring the whole body of the people to the Church. . . . He ordered the collectors of every parish to bring in exact rolls upon oath, and attested by the minister, and caused read them every Sunday after

¹ A movement for the alteration of the constitution had been set on foot during Lauderdale's Administration. "Lauderdale Papers," ii. 247.

² For the sake of the Duke of York.

the first Sermon and marke the absents who were severely punished if obstinat . . . which brought in many and will bring in all, and actually brought in two outed disorderly ministers.

20.

[James VII aimed at making his northern kingdom an example of loyalty which might be followed by the people of England. The Scottish nation, however, proved that their devotion to the Protestant cause surpassed their adherence to the Crown, and in 1687-8 both Episcopalians and Presbyterians resisted the attempts of the King to impose Roman Catholicism on the country. "Act declaring it treason to take or owne the Covenants," 1 May, 1685. A.P.S., viii. 461.]

Our Sovereigne Lord and Estates of Parliament, doe hereby declare that the giving or taking of the Nationall Covenant as explained in the year 1638, or of the League and Covenant (soe called) or writting in defence thereof or owning of them as lawfull or obligatory on themselves or others shall infer the Crime and Paines of Treason.

21.

[Act against preachers at conventicles and hearers at field-conventicles, 1 May, 1685. A.P.S., viii. 461.]

Our Souveraigne Lord, Considering the obstinacy of the Fanatical party who notwithstanding all the laws formerly made against them persevere to keep their house and field Conventicles which are the Nurseries and rendezvous of Rebellion, Therfor His Majesty with consent of his Estates in Parliament Doth Statute and Ordain that all such as shall hereafter preach at such fanatical house or field-conventicles As also such as shall be present as hearers at field-conventicles shall be punished by Death and confiscation of their Goods.

22.

[The best and most vivid account of Argyle's Rebellion may be found in the narrative of Sir Patrick Hume, one of the Argyle's most notable supporters. It is, however, too detailed to be quoted. The following selections are taken from the writings of Sir John Lauder of Fountainhall. (a) "Historical Notices of Scottish Affairs," vol. ii.]

11 May 1685.

The Privie Counsell, on some news they got of Argile, Monmouth, Gray etc. being at sea, and designing to land, commanded all the heritors of Scotland to be in readinesse, weill armed to wait on the king's host, with 20 days provision, on 24 howers advertisement, whenever called.

14 May 1685.

At night ane express came from the Bischop of Orkney at Kirkuall, that Argile with 3 ships touched ther; which put all in a great consternation.

[(b) "Historical Observes," p. 168.]

About the 4th of June, Argile hearing some of the king's men of warr had come to the West Seas over against Air, he drew in his ships . . . into Iland Greg . . . near Loch fin, and fortified it. . . . But the news of this coming to Edinburgh, the statsmen thought he had deserted the sea and now would study to surprise some strength at land, as Dumbarton or Stirling, whereon the militia of Edinburgh was instantly commanded to march to Stirling though it was Sunday. Sir John Cochrane with some of his men landed at Greenock and being charged . . . by the gentry of that country he retired and they shot their pistols after him.

[*Ibid.*, p. 177.]

Then the news came that on the 17th of June 1685 the king's ships had ventured upon Argyle's ships and taken them with all his canon, arms and ammunition, and the fort of Ellangreig with his standart which was sent away

immediately to the king at London, its motto was engraven on it, For God and Religion against Poperie, Tyranny, Arbitrary Government and Erastianisme.

[*Ibid.*, p. 179.]

The night before Argyle's taking . . . he had a Councell of War . . . [and proposed to "fall upon" the king's forces]. This was rejected by Sir John Cochrane and Sir Patrick Hume of Polwarth. Sir John Cochrane . . . undertook to conduct them safe into Galloway. . . . But on the 18th of June . . . they fell into a bog, and during the tyme they are disimboguing themselves, a detached party of dragoons . . . comes upon them. Before this tyme Argile had left them and desired every one to shift for himself. [Here follows account of the capture of Argyle.] Immediately the Privie Councill sends orders to bring him in with a safe guard to the Castle at Edinburgh.

[*Ibid.*, p. 191.]

It was long debated at Privie Counsell, whether he should be banged or headed, and the last carried it. . . . And thus was Argile headed on the 30 of June 1685 as his father had been in 1661.

23.

[Establishment of religious toleration in Scotland by King James VII, without the sanction of the Scottish Parliament. (a) "His Majesties Most Gracious Letter [12 April, 1686] to the Parliament of Scotland, Together with the Parliament's Dutiful Answer [6 May] to His Majesties Letter." B.M. Pressmark 21, h. 3 (11).]

We have made the opening of a Free Trade with England Our Particular Care, and are Proceeding in it with all Imaginable Application and are Hopeful in a short

time to have Considerable Advances made in it. We have considered the Trouble that many are put to Daily by Prosecutions before our Judges or the Hazard they lie under for their Accession to the late Rebellions. And to shew the world . . . that Mercy is our Intention . . . We have sent down to be past in Your Presence Our Full and Ample Indemnity for all Crimes Committed against Our Royal Person or Authority. And whilst we shew these Acts of Mercy to the Enemies to Our Person Crown and Royal Dignity, We cannot be Unmindful of Others Our Innocent Subjects, those of the Roman Catholick Religion who have with the hazards of their Lives and Fortunes been always Assistant to the Crown in the worst of Rebellions and Usurpations though they lay under Discouragements hardly to be named. Them we do heartily Recommend to your Care, to the end that as they have given Good Experience of their True Loyalty and Peaceable Behaviour, so by your Assistance they may have the Protection of Our Laws and that security under Our Government which others of our Subjects have.

[(b) The Parliament of Scotland's Dutiful Answer. After thanking the King for his promise of free trade with England and an Indemnity for the rebels, the Parliament replies thus :]

As to that part of Your Majesties Letter relating to Your Subjects of the Roman Catholick Religion, we shall, in obedience to Your Majesties Commands, and with Tenderness to their Persons, take the same into our serious and dutiful Consideration, and go as great lengths therein, as our Conscience will allow, Not doubting that Your Majesty will be careful to secure the Protestant Religion established by Law.

[(c) The Declaration of Indulgence was published by the King on 12 February, 1686-7; toleration was granted by the King's "absolute power" to moderate Presbyterians, Quakers, and Roman Catholics. Burnet, "Some Reflections on His Majesties Proclamation." B.M. Pressmark T., 1669/12.]

V. There are a sort of people here tolerated, that will hardly be found out; and these are the Moderate Presbyterians; Now as some say, that there are very few of the People in Scotland that deserve this Character, so it is hard to tell what it amounts to; and the calling any of them immoderate cuts off all their share in this Grace. . . .

VI. Another Foundation laid down for repealing all Laws made against Papists, is, that they were enacted in King James the Sixth's Minority. . . . But all these Laws were ratified over and over again by King James when he came to full age, and they have received many Confirmations by King Charles the First and King Charles the Second as well as by His Present Majesty both when he represented his brother in 1681 and since he came to the throne. . . .

VII. It is also well known, that the whole Settlement of the Church-lands and Tythes . . . and . . . the Establishment of the Protestant Religion was likewise enacted in King James's Minority, as well as those Penal Laws; so that the reason now made use of to annul the Penal Laws will serve as well for another Act of this "absolute power" that shall abolish all those.

24.

[Attempt to establish Roman Catholicism in Scotland. Lord Perth to the Cardinal of Norfolk, 3 February, 1688. H.M.C.R., Stuart MSS., i. 30.]

We have got the Abbey of Holyrood House Church . . . to be the chapel of the Order of St. Andrew. . . . It is to

be put into the hands of a clergyman to be equally for the use of the clergy and the Regulars. . . . The Jesuits are to set up their College in a house which formerly lodged the Chancellors. . . . Of late we have got over six or seven monks from Germany. . . . like to prove able missionaries. . . . There have been very few conversions of late . . . the ministers and University men are so wild and furious that the people take their assertions for proof of their veracity. . . . The Duke of Hamilton's . . . business is to obstruct the Catholic interest, which . . . will . . . appear now very soon. Others here would have us believe they are our friends, who really are our more dangerous enemies, especially some in the army, the hundredth man in which is not a Catholic, and we have scarce any officers of that persuasion, not that they are not to be had, but with all the art imaginable the King is diverted from any such design, as might bring in one army to us.

IRELAND.

1.

[On June, 1660, a temporary Committee for Irish affairs was appointed from among the members of the Privy Council ; this Committee was revised and made permanent in April, 1661, and was entrusted with the task of negotiating with the commissioners and the Parliament of Ireland in all matters relating to the settlement of affairs. P.C.R., lv. 193, 2 April, 1661.]

Ordered by his Matie that the Duke of Albemarle, Duke of Ormonde, Ld Viscount Valentia, Ld Roberts, Mr Sec^y Morice and Sr Anthony Ashley Cooper or any three or more of them, bee a Com^{tie} to consider of all affayres concerning Ireland and of the Despatches from thence, and to Report the same with their opinion to this Board, where they find difficulty, and in cases of lesser concernment to give Despatches without reportinge.

2.

[The Declaration of 30 November, 1660. The rights of adventurers and soldiers were respected but they were deprived of their lands and given compensation if Protestants and innocent Papists had prior claim. Officers who had served the King before 1649 were to receive lands as arrears of payment and those who had served the King abroad were to receive lands when the present possessors were reprimed out of the remaining lands. "Irish Statutes," 14 and 15 Car. II, c. 2.]

VI. In the first place . . . we do hereby declare that all the lands, tenements and hereditaments of which all . . . the adventurers were possessed the 7th of May 1659 having been allotted to them or set out to them . . . shall be confirmed and made good to them, their heirs and assigns for ever . . . such adventurers claiming . . . before the first of May next. . . .

IX. . . . All commissioned officers their heirs or assigns who were in regiments, troops or companies raised in Ireland or transported out of England and served our royal father or ourself in the wars in Ireland at any time before the fifth of June 1649, other than those who have received lands or money for their pay due unto them since the fifth of June 1649 shall be satisfied their respective personal arrears out of the particulars following, viz. [Undisposed of and forfeited lands in Wicklow, Longford, Leitrim, Donegal, Connaught, Clare etc.] . . .

XI. That such Protestants whose estates have been given for the satisfaction of adventurers or soldiers, or otherwise disposed of to other persons, shall be forthwith restored to their former estates, and a reprizal of equal value, worth and purchase forthwith, assigned to such adventurers or soldiers, as shall be removed out of the said estates.

[Clauses XVI and XVII contain similar provisions for the restoration of loyal and innocent Papists to their estates.]

3.

[The Land Settlement is here illustrated by a typical claim showing the difficulties arising from disputed titles to property. The claims of the "innocent Papists" and the "adventurers" were to be decided by the Commissioners of Claims, appointed 1661. Cal. S.P., Ireland, 1660-1, p. 105, 30 November, 1660.]

Petition to the King by Geoffery Fay, showing that; He has been dispossessed of his town, lands and estate of Harberts town by the tyranny of Miles Corbett "for no other cause but his being a Papist, which is no way warranted by the laws of God or man." He prays for an order "repossing" him of his lands [they] being in the King's hands, and not in those of adventurers or soldiers.

Order, dated 30th Nov. referring the above petition to the Lord Chancellor of Ireland.

Report by Lord Chancellor Eustace on the foregoing
petition.

Geoffery Fay was a very innocent man during the late rebellion. . . . He was turned out of his estate by the usurped power, . . . He should be restored to his lands, reprisals being given to such as the adventurers or soldiers as are in possession of any of them.

4.

[The Irish Parliament met in May, 1661, and soon proceeded to form a Committee of Trade, as the English Parliament had dissolved the Parliamentary and Commercial Union created by the Protector. (a) Appointment of Committee of Trade, 15 June, 1661. C.J., Ireland, i. 405.]

Ordered . . . that the undernamed Persons¹ or any eight or more of them be and are hereby nominated and appointed a Committee of Trade who are to meet . . . in

¹ List includes Sir William Petty.

this House . . . to debate and consider of those Ways and Means by which the Trade of this Kingdom may be best and most effectually advanced for the greatest advantage of the Kingdom . . . and to report to this House from time to time their Proceedings therein. . . .

[(b) Work of the Committee. *Ibid.*, p. 436, 25 July, 1661.]

The Committee of this House appointed to wait on the Lords Justices with a Committee of the Lords, for the taking off the present Restriction that is upon exporting of wool into England, reported, that . . . the Answer [of the Lords Justices] was that they had formerly sent Letters to his Majesty concerning that . . . and . . . have an Intimation by Letters out of England that the thing will be done, and therefore, finding it to be the concurrent desire of both Houses . . . their Lordships thought fit to consent thereunto.

[(c) *Ibid.*, p. 416, 29 June, 1661.]

It was this day reported by the Committee of Trade as the Opinion of that Committee that the Restraint of transporting wool into England is an obstruction of Trade. . . .

[The said report was debated in the House.] . . . Whereas this House have taken into consideration how this Kingdom abounds with more wool than can possibly for the present be wrought up into Manufacture by those artificers within the same . . . it is . . . ordered upon question that the undernamed persons . . . be appointed a Committee to wait on the Right Honourable the Lords Justices and humbly to desire their Lordships . . . to give Liberty . . . unto all persons to export wool into England, as aforesaid, notwithstanding any restraint to the contrar y

5.

[The first Commission of Claims consisted of 36 persons,¹ who were frequently divided in opinion and always slow in settling disputed claims. Hence they did not inspire confidence in the Irish who became unwilling to present their claims for settlement. P.C.R., lv. 275, 28 June, 1661.]

It is this day ordered at the Board (his Maty present in Councill) that the Attorney Generall doe forthwith prepare a Proclamation to bee published directing That all Persons concerned who have not put in their claymes before the com^{rs} appointed for the execucon of his Majesties Gratiuous Declaration for the Settlement of Ireland, dated the thirteenth of November last, do putt in the same at or before the last day of August next, if they bee within his Matie's Dominions [those beyond the King's Dominions to enter their claims by October 23rd] and after the said tymes shall be expired no claymes shall be received but the partyes left without Remedy and debarred for ever without His Matie's speciall Order in that behalfe.

6.

[The Appointment of Ormonde to the Lord-Lieutenancy or Vice-royalty of Ireland in November, 1661. Clarendon: "Continuation of Life."]

Both the King and the General² spake with the Duke of Ormond and prevailed with him to accept it before either of them communicated it to the Chancellor. . . . The King and the Duke of Ormond came one day to the Chancellor to advise what was to be done for Ireland, and the King asked him what he thought of sending the Duke of Ormond his lieutenant into Ireland. To which the chancellor answered, "that the King would do very ill in sending him and that the Duke would do much worse if he

¹ Including Sir William Petty.

² i.e. Monck, who was Ld.-Lieut. of Ireland, 1660-1.

desired to go." Upon which they both smiled and told him "that the general had prevailed with the King and the King with the Duke so that the matter was resolved."

7.

[The Act of Settlement was passed by the Irish Parliament and, on 27 September, 1662, received the assent of Ormonde (who acted as the King's representative). It gave Parliamentary sanction to the Declaration of 30 November, 1660. Address to the King drawn up by the Knights, Citizens and Burgesses in the Parliament of Ireland. C.J., Ireland, i. 481, 6 March, 1662.]

We, Your Majesty's most loyal and most dutiful subjects, the Commons in this present Parliament assembled, with all thankfulness acquiescing in your Majesty's Royal Pleasure concerning the Settlement of Ireland, expressed in your Gracious Declaration of [November 30, 1660] . . . do at this time with an Impatiency mixed with that humble and lowly Submission that becomes us, wait and long for the full Perfection of what Your Majesty . . . hath laid the Foundation. And therefore do most humbly supplicate Your Majesty that the Bill of Settlement now before you may receive such a Dispatch as the weight of the thing itself will admit and thereby Your Majesty and your People may comfortably hope to see an end of Wasting, Desolations, and Calamities which this Kingdom hath so long languished under.

8.

[The Appointment of Seven Commissioners to carry out the Act of Settlement. The King to the Lord Deputy for settling Commissioners for the Settlement of Ireland, 18 July, 1662. Cal. S.P., Ireland, 1661-2, p. 577.]

When the Bill of Settlement shall be fully passed you shall appoint Henry Coventry Esqre, Sir Edward Deering,

Sir Richard Ransford or Rainsford, Sir Thomas Beverly, Edward Smith, and Winston Churchill Esquires, Commissioners for executing the act. Any three of them including *either* Coventry, Deering, Cook or Churchill, or Ransford, Beverly or Smith, shall form a *quorum*, for all purposes except the tendering of an oath.

9.

[An Act for the Encouragement of Trade, 1663. S.R., 15 Car. II, c. 7. By this Act of the English Parliament Ireland was cut off from any share in the Colonial Trade and, moreover, was forbidden to export cattle into England between the months of July and December. Thus she lost her best market for cattle, the commercial union between England and Ireland, which Cromwell had fostered, was dissolved, and Ireland was forced to seek another market for her cattle. See Miss A. E. Murray, "Commercial Relations between England and Ireland," and Fitzmaurice, "Life of Sir W. Petty," ch. v.]

[Clauses 1-9 enunciate that all goods exported from Europe to the Plantations or imported from the Plantations to Europe shall first be landed in England, and that Governors of Plantations and Custom Officers shall forfeit their place if they neglect to obey the instructions included in this Act.]

10. And lastly whereas a very great part of the richest and best Land of this Kingdome is and cannot soe well be otherwise employed . . . as in the . . . Fattening of Cattle, And that by the coming in of late of vast numbers of Cattle already fatted such lands are in many places much fallen and like dayly to fall more in their Rents and Values and in consequence other Lands alsoe to the great prejudice . . . of this Kingdome, Bee it further enacted by the Authoritie aforesaid and it is hereby enacted that for every head of great Cattle (excepte such as are of the breed of Scotland) that shall be imported or brought into England or Wales or the Towne of Berwicke upon Tweede

after the first day of July and before the twentieth day of December in any year [and for every head of Scottish Cattie imported after August 24 and before Dec. 20] there shall be paid to His Majestie his Heires and Successors the summe of twenty shillings, And the summe of ten shillings to him . . . that shall informe or seise the same and the summe of ten shillings to the Poore of the Parish where such Seisure or Information shall be made.

10.

[Act of Explanation, 1665. S.R., 17 and 18 Car. II, c. 2.]

An Act for the Explaining of some doubts arising upon an Act intituled, "An Act for the better execution of his Majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers and other his subjects there," and for making some alterations of and additions unto the said act, for the more speedy and effectual Settlement of the said Kingdom. . . .

V. And to the end that the persons, estates and interests of his Majesties protestant subjects, of whom his Majestie ever had, and hath greatest care and consideration in the Settlement of this his Kingdom, may be first provided for, be it further enacted. . . . That all . . . the adventurers and souldiers, their . . . heirs executors [etc.] who upon 7th May 1659 were seised or possessed of any . . . lands, or hereditaments, for or towards the satisfaction of any adventures or arrears . . . shall have hold and enjoy and be settled and confirmed in so much of the forfeited lands . . . as will amount into two full third parts of what they, or those under whom they claim, had, or . . . ought to have had upon [May 7 1659]. . . . The Commissioners for execution of this act shall diligently examine and compute . . . what quantity of land any such adventurer

or souldier . . . had . . . or ought to have had on May 7 1659 . . . and shall set out and allott . . . to every such adventurer or souldier . . . so much forfeited land as in quantity of Irish profitable acres to be computed by Irish measure according to the Down survey . . . will amount unto two full thirds . . . of what such persons . . . did hold and enjoy . . . upon the 7 May 1659.

11.

[The Irish Act of Uniformity was not passed until 1665 although the Church had been re-established in June, 1660. S.R., Ireland, 17 and 18 Car. II, c. 5.]

To the intent that the greatly desirable work of uniformity in divine worship may be obtained . . . be it enacted by the Kings most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and of the Commons in this present parliament assembled . . . that all and singular ministers in any cathedral, collegiate or parish church or chappel, or other place of publique worship within this realm of Ireland, shall be bound to say and use the morning prayer, evening prayer, celebration and administration of both the sacraments, and all other the publique and common prayer in such order and forme as is mentioned in the said book annexed and joined to this present act, and intituled, The book of common prayer.

[All ministers enjoying ecclesiastical benefices to declare assent to use the same on pain of deprivation.]

V. And be it further enacted . . . That every dean and other dignitary, canon, prebendary, and warden of every cathedral or collegiate church, and all masters and other heads, fellows, chaplains, and tutors of or in any college, hall, house of learning or hospital, and every publick professor and reader in any universities colledge or colledges

which are or shall be in this realm, and every parson or vicar in holy orders, and every schoolmaster keeping any publique or private school . . . shall before the nine and twentieth day of September . . . [1667] . . . subscribe the declaration following.

I A. B. do declare That it is not lawful upon any pretence whatsoever to take arms against the King . . . and that I will conforme to the liturgy of the Church of Ireland, as is by law established.

12.

[In 1661 Episcopacy was re-established in Ireland ; among the Bishops who were restored to their sees, was Dr. Jeremy Taylor, Bishop of Down and Connor. The following extract from his introduction to his "Dissuasive from Popery," 1668, illustrates the hatred felt for the Roman Catholics by the Anglican Bishops.]

The numerous companies of Priests and Friars among the Irish take care they shall know nothing of Religion, but what they design for them ; they use all means to keep them to the use of the Irish tongue, lest, if they learn English, they might be supplied with persons fitter to instruct them. . . . And this and many other evils are made greater and more irremediable by the affrightment which their Priests put upon them by the issues of Ecclesiastical Jurisdiction, by which they give them laws . . . not only for Religion but even for Temporal things. . . .

The Roman Religion . . . is here amongst us a Faction and a State-Party and designs to recover their old laws and barbarous manner of living, a device to enable them to live alone and to be . . . a people of one language and unmingled with others.

13.

[The total prohibition of the import of Irish cattle to England, resulted in the carrying on of a vigorous and illicit trade with Holland, France, and the French Plantations. For details of the export of Irish cattle and salt beef to the French West Indies, see Mims, "Colbert's West India Policy." S.R., 18 and 19 Car. II (1666), c. 2.]

Bee it therefore enacted by the Kings most Excellent Majesty by and with the Advice and Consent of the Lords Spirituall and Temporal in this present Parlyament Assembled That such Importation [i.e. the Importation of "lean or fat cattell dead or alive"] from and after the second day of February in this present year one thousand six hundred sixty and six is a publique and Common Nuisance and shall be soe adjudged and deemed and taken to be to all intents and purposes whatsoever.

14.

[The trade between Ireland and the European countries was an important feature in Irish history at this period. On 9 February, 1666-7, Ormonde and the Privy Council of Ireland drew up a petition of which the following abstract was presented on 17 February, 1667-8, to the King by the Earl of Anglesey, the Earl of Burlington, and Viscount Conway. The King issued a Proclamation on 7 June signifying his agreement with the Petitioners' requests. S.P., Ireland, vol. 322, no. 54.]

May it please Your Majesty

Since the Act prohibiting the importation of Irish Cattle is passed we begg leave in discharge of a trust on Us by Your Majesties Lieutenant and Council of Ireland . . . to represent the present condicon of Your Kingdome of Ireland with the growing evils that Act [18 and 19 Car. II, c. 2] must inevitably bring upon it, and thereupon offer such remedies and expedients as may preserve that Your Kingdome from utter ruine. . . . In the first place wee

must observe that the partiall restraint of importing Irish cattle which hath continued for some yeares,¹ hath allready so impoverished that your kingdome, being followed now with a totall prohibition both here and in Scotland, the people . . . are already gone into actuall Rebellion, . . . and it is no wayes to be doubted the . . . poverty of the generallity will dayly increase their number, which will disorder and disappoint all payments and may facilitate forrein invasion.

For remedy it is humbly proposed that all restraints upon the exportation of commodities of the growth or manufacture of Ireland to any forrein parte may by Proclamation and Act of Parliament be taken off and in this time of Warre by permission of his Royall Highnesse, the Lord Lieutenant or other Chiefe Governor of Ireland's pass, may secure any shipp's loaden in Ireland to France Holland Denmark and to any part of the world in amity with Your Majesty where free trade shall be granted to them. . . . That to preserve that little money which is left in Ireland for the carrying on of trade there and paying Your Majesties Army and to repress the Humour of the people after outlandish Commodities, Your Chiefe Governor and Council may have directions to publish a Proclamation or Act of State prohibiting the exportation of all commodities of the growth or manufacture of Scotland, till such time as the restraint upon Irish Cattle and commodities in Scotland be taken off. . . .

Lastly, since it is apparent that Yor. Maiesties Revenue will extremely diminish henceforth in Ireland and their dangers . . . increase that would preserve that Kingdome to your Majestie, we humbly offer it as absolutely necessary that the summe of fifty thousand pounds sterlg. be sent over with all convenient speede for pay of the army and civill List.

¹ Since 1663.

[“The Political Anatomy of Ireland,” by Sir William Petty, 1671 (pubd. 1691), p. 156.]

That the Irish will not easily rebel again, I believe from . . . consideration of these following Particulars; viz.

1. That the British Protestants and Church have 3-4ths of all the Lands; 5-6ths of all the Housing; 9-10ths of all the Housing in Wall'd Towns and Places and Places of Strength, 2-3rds of the foreign Trade. That 6 of 8 of all the Irish live in a brutish nasty condition, as in Cabins, with neither Chimney, Door, Stairs nor Window; feed chiefly upon Milk and Potatoes, whereby their spirits are not disposed for war. That although there be in Ireland 8 Papists for 3 others, yet there are far more Souldiers . . . of this latter and lesser number than of the Former. . . . That a few ships of war, whereof the Irish have none, nor no Skill nor practice of Navigation, can hinder their relief from all Foreign help.

[“Suggested Union of the Two Nations,” p. 159.]

If both kingdomes now two, were put into one, and under one Legislative Power and Parliament, the members whereof should be in the same proportion that the Power and Wealth of each nation are, there would be no danger such a Parliament should do anything to the prejudice of the English interest in Ireland; nor could the Irish ever complain of Partiality, when they shall be freely and proportionably represented in all Legislatures.

[“Suggested remedies for the defects and impediments of the trade of Ireland,” pp. 221-3.]

2. That forthwith application may be made unto England to restore the Trade from the Plantations and between the two Kingdoms, (and particularly that of Cattel) as heretofore, and in the meantime to discover and

hinder, by all means possible the carrying of Bullion out of Ireland into England ; to the end that those in England who are to receive money from hence may be necessitated to be very earnest in the said negociation.

3. That Endeavours be used in England, for the Union of the Kingdoms under one Legislative Power. . . .

That there be a Corporation for the navigation of this Kingdom, and that other Societies of men, may be instituted, who shall undertake and give security to carry on the several Trades and Manufactures of Ireland ; and to see that all Goods Exported to Foreign Markets may be faithfully wrought and packt, which societies may direct themselves by the many proposals . . . made by the Council of Trade and which they are . . . ready to accomodate to the said proposals . . . and more particularly to the Manufactures of Woollen, Linnen and Leather. . . .

10. That the Justices of the Peace may be admonished to protect the Industrious.

From all which, and from the Settlement of Estates ; it is to be hoped that men seeing more advantage to live in Ireland than elsewhere, may be invited to remove themselves hither, and so supply the want of People, the greatest and most fundamental defect of this Kingdom.

16.

[The English House of Commons induced Charles II to issue a series of Proclamations against Irish Roman Catholics in 1673. All Papists were ordered to surrender their firearms, Papist dignitaries were ordered to leave Ireland, and convents and Papists' schools were to be utterly suppressed. Essex, who was Lord-Lieutenant of Ireland 1672-7, was extremely reluctant to execute these severe measures. (a) Essex to Arlington, Dublin Castle, 28 October, 1673. Essex Papers, Camden Soc., i. 133.]

There are but two things in my orders that seem of difficultie to be executed ; one is, to disarme all Papists,

according to Presidents [i.e. precedents] as they may not be dangerous to ye Governmt. . . . Presid^{ts} of disarming Papists are not so ready to be found, yet heretofore, . . . there have bin searches made for Arms but this . . . has seldom had any effect. . . . Besides ye Army is so small as 'tis Impossible for them to doe ye worke. . . . But above all that w^{ch} makes me shun this course of searching Houses is my knowledge of ye animosities as are among men of this Kingdome, and how forward many of them would be to lay hold on an opportunitie to show their little spights and malices upon their Neighbours; and, I am sure, should this way be taken, I should soon hear hundreds of complaints of injuries and insolencies, nay, perhaps of robberys done under colour and countenance of these searches. I have therefore chosen ye method . . . of issueing out a Proclamation to summon all Papists, by a certain day, to deliver up their Firearms to some persons appointed by me in each County to receive them and I shall be very carefull in my choice of these Gentlemen entrusted in this businesse. . . .

The other point . . . is that w^{ch} concerns y^e Papists not inhabiting in Corporacōns and this I must observe to Y^r Lp that ye House of Commons itselfe were doubtless in some mistake in their Adress for they seem to suppose that ye Law here prohibites all Papists inhabiting in corporacōns w^{ch} I do not finde provided against in any of these Acts. . . .

This only I must acquaint Y^r Lp as a reall Truth that there is no nation under Heaven where ye Co^mon People of ye Romish Religion are so absolutely led by their Priests as in this Kingdome, for 'tis most certain that in those corporations w^{ch} are placed in Countrys inhabited for ye generallitie by Papists if there be any one of that religion who sells any commoditie no Protestant of ye same Trade can subsist . . . in ye Towne with him, for ye Priests doe

enjoyne ye People not to buy anything but of those of their own religion. . . . I doe tell it to you rather that Y^r Lordship may see some care and circumspection is requisite in a mater of this nature.

[(b) Essex to Ormonde, Dublin Castle, 14 November, 1673. *Ibid.*, p. 137.]

The execution of the late Address will, I conceive, putt an end to all relating to these Titular Bps who must now quitt ye Country and I hear they are all preparing to be gone in obedience to it. . . . Soon after my coming hither, Moloony, Titular Bp. of Killaloe, . . . made a composure of all ye differences among ye men of their religion, . . . I soon found that if this proceeded I should have no Intelligence of their . . . Actings. . . . I [therefore] made use of some Fryers, who all ways have their little wrangles wth ye secular Clergy, to sett up Factions ag^t some of their Bishops, and, by encouraging these little animosities among them brought them at last to the pass that they openly accused one another of exercising ecclesiastical jurisdiction, contrary to the laws of the Land.

By ye address of ye House of Commons, all ye Regulars are to be banished, and should I putt this into execution I must send all these poor Fryers abroad who have done us this Service. There are but very few,—not above six or eight . . . and for these . . . my intention is to connive at them.

17.

[Ormonde's Second Administration lasted from 1677-84. Letter from Ormonde, 20 April, 1677. H.M.C.R., Ormonde MSS., iv. 21.]

The King's purpose of sending me to serve him in the Government of Ireland is now no longer a secret. His Majesty having intimated so much by a letter . . . to my Lord Lieutenant.

18.

[An Irish Popish Plot was rumoured to have been planned in 1678, and Ormonde's enemies gladly accused him of complicity with the Roman Catholics. Anonymous and False Accusations against the Duke of Ormonde, 5 February, 1678-9. H.M.C.R., Ormonde MSS., iv. 362.]

7. The Duke had commanded the arms that were taken from Papists to be restored to them.

13. Most of the constables even in Dublin are Papists.

14. Where the Earl of Arran could influence, Papist schools are set up.

16. Papists [whose names are here given] are constantly advised with and so are the Talbots about all affairs and especially about the Protestant religion.

21. We look upon him, his son Arran, and the Chancellor to be Papists.

22. Colonel Fitzpatrick told him that notwithstanding the discovery of the plot we should ere long see him with a red cap on his head at which he only smiled and drank to him in a glass of sack. These are the devils we fear more than all those in hell or all those on earth besides. We see your danger upon us.

19.

[The trial and execution of Archbishop Plunket, the Roman Catholic Metropolitan and Primate of Ireland, may be regarded as the culmination of Protestant antagonism to the Roman Church in the years immediately succeeding the disclosure of the "Popish Plot." Ormonde to the Earl of Arran, 20 June, 1681. H.M.C.R., Ormonde MSS., vi. 85.]

. . . Sir James Butler¹ has been as good as his word to you and sent me a summary account of the trials of Fitzharris and Plunkett. I wish for the honour of the Justice

¹ Deputy Justice of the Forests.

of England that the evidence against Plunkett had been as convincing as that against the other was ; for we must expect that Papists at home and abroad will take his trial to pieces and make malicious remarks upon every part of it, and some circumstances are liable to disadvantageous observation.

[John Ellis¹ to Ormonde (London), 2 June. *Ibid.*, p. 90.]

Plunkett and Fitzharris suffered yesterday, the former as a man prepared, the latter as a man surprised.

20.

[In 1684 James, Duke of York, induced Charles II to recall Ormonde and appoint Rochester as Lord-Lieutenant of Ireland. Earl of Rochester to Ormonde, 23 October, 1684. H.M.C.R., Ormonde MSS., vii. 280.]

Having been made acquainted that the King had written or is about to write to Your Grace upon a subject that concerns yourself, . . . I must confess that I have suspected something of this kind coming on almost ever since you went from hence, and you may remember that not long ago when I gave your Grace an account of some letters of yours that I laid before the King, I hinted to you that his Majesty was not satisfied with several of the officers of the Army, though I told you at the same time I was not directed to say so much to you but I did not believe that what was then in the King's mind would have gone so far and . . . I have done all that was in me to hinder it . . . and would yet contribute anything I could think of to keep the government there in the same hands it is.

¹ Secretary to Ormonde, and later (1682) Under-Secretary of State and Secretary to Commissioners of the Revenue (Ireland).

21.

[The Earl of Clarendon was appointed Lord-Lieutenant of Ireland in September, 1635. The Earl of Clarendon to the Earl of Sunderland, Dublin Castle, 16 January, 1685-6. "Correspondence of Henry Earl of Clarendon," i. 212.]

Upon the desire of several officers of the army, I thought fit to hold a council of war this morning with all the field-officers in town, thinking that likewise the best way to come to the knowledge of the true state of the army. . . . Most of the officers make great complaints of the defects in their arms . . . (and) as to the . . . allowance of powder, the officers say they were lately reduced to a barrel a year for each troop and company, which . . . is too little in respect of their frequent exercising.

I have pricked the Sheriffs for the next year upon the best advice I could get in the shortness of time.

22.

[The Establishment of Roman Catholicism in Ireland. (a) The Earl of Sunderland to the Earl of Clarendon, Whitehall, 11 March, 1685-6. "Clarendon Correspondence," i. 293.]

The King has for a great while thought it absolutely necessary for his service to make alterations in Ireland, both in the civil government and in the army, which he thinks can be no longer delayed without great prejudice to his affairs as well here as there. . . . His Majesty thinks it for his service that some Catholics should be admitted into the Council and to be sheriffs and justices of peace, and have the same freedom and privileges in all corporations as his other subjects have. . . . As to the alterations in the army, his Majesty has settled them all and has ordered the new commissions to be forthwith despatched.

[b] Clarendon to Rochester, Dublin Castle, 14 March, 1685-6. *Ibid.*, p. 295.]

If there must be Roman Catholic officers in the army and judges of the same religion it were to be wished they were Englishmen sent out of England and not Irish who have all their interest here, not to say any more of them.

[c] The Earl of Sunderland to the Earl of Clarendon, Whitehall, 22 May, 1686. *Ibid.*, p. 399.]

I acquainted your Excellency sometime that his Majesty had resolved to add several of his Roman Catholic subjects in Ireland to the Council there, and now I send you a list of their names also of the new officers to whom his Majesty has granted commissions in the army. . . . Your Excellency will herewith receive his Majesty's letters for constituting the Earl of Granard President of the Council, and determining his commission of Lieutenant General, but continuing his pension, as also for . . . dispensing with the Roman Catholic counsellors from taking any oath but that of counsellors.

23.

[In 1687, Col. Rich. Talbot, Earl of Tyrconnell, was made Lord Deputy of Ireland. "The State of the Protestants under King James' Government," by Dr. William King, 1691, Sect. ii. p. 52.]

The Army of Ireland which King James found at his coming to the Crown consisted of about seven thousand as Loyal Men and as Cordial to the King's Service as any could be . . . yet no sooner was King James settled in his Throne but he began to turn out some of the officers that had been most zealous for his Service . . . because they had been counted firm to the Protestant Religion. . . . To convince the world that no consideration was to be had of Loyalty or Merit except a man were a Papist, The Duke

of Ormond was sent for abruptly and divested of the Government. . . . Immediately the modelling of the Army was put into the Hands of Collonel Richard Talbot a person more hated than any other man by the Protestants, and who had been named by Oates for this very employment. . . . He would cashier [an officer] with all the contempt he could heap upon him. . . . By this means two or three hundred Protestant Gentlemen who had laid out all, or a good part of their Fortunes. . . . were turned out without reason or any consideration and five or six thousand soldiers sent a begging, a hardship perhaps never put on any Army before, without any provocation ; against whom there was no other Exception, but that they were Englishmen and Protestants, and King James by substituting Irish men and Papists in their places contrary to the Laws and to the very design of keeping a standing army in Ireland . . . demonstrated that he had no regard to the laws.

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